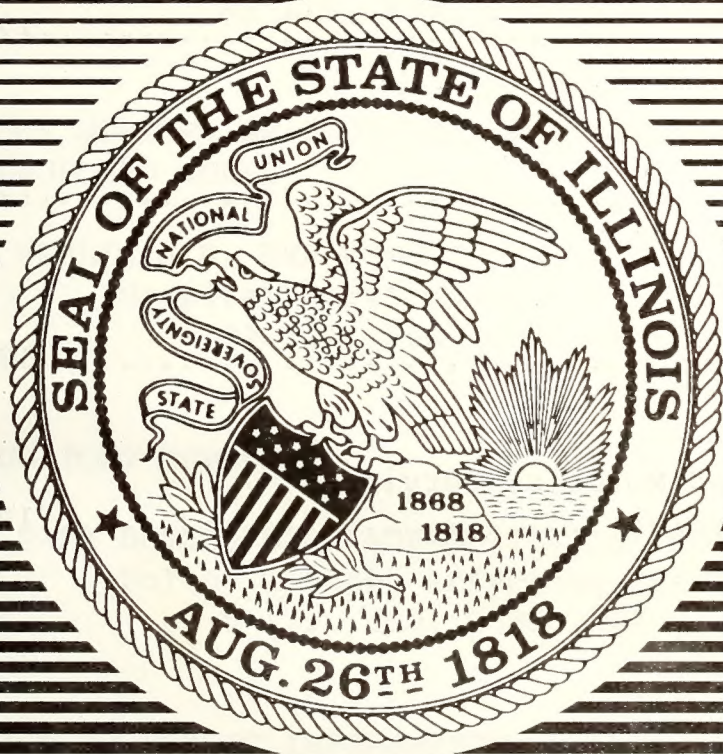


2001

# ILLINOIS

## REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 25, Issue 40  
October 05, 2001

Pages 12,463 – 12,683

Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
<http://www.cyberdriveillinois.com>



Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE



**TABLE OF CONTENTS**  
October 5, 2001    Volume 25, Issue 40

**PROPOSED RULES**

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Pay Plan

80 Ill. Adm. Code 310 .....12463

EDUCATION, STATE BOARD OF

Pupil Transportation Reimbursement

23 Ill. Adm. Code 120 .....12473

EMPLOYMENT SECURITY, DEPARTMENT OF

Determination Of Unemployment Contributions

56 Ill. Adm. Code 2770 .....12500

HUMAN SERVICES, DEPARTMENT OF

Aid To The Aged, Blind Or Disabled

89 Ill. Adm. Code 113 .....12507

PUBLIC AID, DEPARTMENT OF

Hospital Services

89 Ill. Adm. Code 148 .....12517

Medical Payment

89 Ill. Adm. Code 140 .....12536

REVENUE, DEPARTMENT OF

Income Tax

86 Ill. Adm. Code 100 .....12559

SECRETARY OF STATE

Issuance Of Licenses

92 Ill. Adm. Code 1030 .....12569

TRANSPORTATION, DEPARTMENT OF

Signing To Traffic Generators And Motorist Services

92 Ill. Adm. Code 552, Repealer .....12571

**ADOPTED RULES**

BANKS AND REAL ESTATE, OFFICE OF

Auction License Act

68 Ill. Adm. Code 1440 .....12586

COMMERCE COMMISSION, ILLINOIS

Non-Discrimination In Affiliate Transactions For Gas Utilities

83 Ill. Adm. Code 550 .....12603

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS



Accessible Housing Demonstration Grant Program	
47 Ill. Adm. Code 368 .....	12613
Affordable Housing Program	
47 Ill. Adm. Code 360 .....	12621

#### PUBLIC HEALTH, DEPARTMENT OF

Grade A Pasteurized Milk And Milk Products	
77 Ill. Adm. Code 775 .....	12629
Manufactured Dairy Products	
77 Ill. Adm. Code 785 .....	12634

#### SECRETARY OF STATE

Issuance Of Licenses	
92 Ill. Adm. Code 1030 .....	12646

#### EMERGENCY RULES

#### SECRETARY OF STATE

Issuance Of Licenses	
92 Ill. Adm. Code 1030 .....	12658

#### NOTICE OF REQUEST FOR EXPEDITED CORRECTION

#### COMMERCE COMMISSION, ILLINOIS

Non-Discrimination In Affiliate Transactions For Gas Utilities	
83 Ill. Adm. Code 550 .....	12665

#### AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

#### PUBLIC AID, DEPARTMENT OF

Hospital Services	
89 Ill. Adm. Code 148 .....	12668

#### REGULATORY AGENDA

#### FARM DEVELOPMENT AUTHORITY, ILLINOIS

Policy Changes Affecting Section 1400.146	
8 Ill. Adm. Code 1400 .....	12669

#### NOTICE OF PUBLIC INFORMATION

#### BANKS AND REAL ESTATE, OFFICE OF

Notice Of Fine Imposed Under The Residential Mortgage License Act of 1987 .....	12670
--	-------

#### JOINT COMMITTEE ON ADMINISTRATIVE RULES



## ISSUES INDEX I-1

**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

Issue 16-April 14, 2000: Data Through March 31, 2000  
 Issue 29-July 14, 2000: Data Through June 30, 2000  
 Issue 42-October 13, 2000: Data Through September 30, 2000  
 Issue 3-January 19, 2001: Data Through December 31, 2000 (Annual)

## REGISTER PUBLICATION SCHEDULE 2001

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
Issue 6	January 29	February 9	Issue 33	August 6	August 17
Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
Issue 9	February 20*	March 2	Issue 36	August 27	September 7
Issue 10	February 26	March 9	Issue 37	September 4*	September 14
Issue 11	March 5	March 16	Issue 38	September 10	September 21
Issue 12	March 12	March 23	Issue 39	September 17	September 28
Issue 13	March 19	March 30	Issue 40	September 24	October 5
Issue 14	March 26	April 6	Issue 41	October 1	October 12
Issue 15	April 2	April 13	Issue 42	October 9*	October 19
Issue 16	April 9	April 20	Issue 43	October 15	October 26
Issue 17	April 16	April 27	Issue 44	October 22	November 2
Issue 18	April 23	May 4	Issue 45	October 29	November 9
Issue 19	April 30	May 11	Issue 46	November 5	November 16
Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
Issue 21	May 14	May 25	Issue 48	November 19	November 30
Issue 22	May 21	June 1	Issue 49	November 26	December 7
Issue 23	May 29*	June 8	Issue 50	December 3	December 14
Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
Issue 26	June 18	June 29	Issue 1	December 26 (Wed. Noon)	January 4, 2002
Issue 27	June 25	July 6			

\* Tuesday 12 noon deadline following a state holiday.

\*\* Monday publication date following a state holiday.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Proposed Action:  
310.280 Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.280, Designated Rate, an Administrative Assistant I (00501-10-68-010-80-21) position is being added with the annual salary of \$55,200 at the request of the Department of Human Services.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.280	Amend	25 Ill. Reg. 4316, 03/30/01
310.280	Amend	25 Ill. Reg. 5774, 05/04/01
310.280	Amend	25 Ill. Reg. 7008, 06/08/01
310.110	Amend	25 Ill. Reg. 8911, 07/20/01
310.130	Amend	25 Ill. Reg. 8911, 07/20/01
310.290	Amend	25 Ill. Reg. 8911, 07/20/01
310.530	Amend	25 Ill. Reg. 8911, 07/20/01
310.540	Amend	25 Ill. Reg. 8911, 07/20/01
Appendix B	Amend	25 Ill. Reg. 8911, 07/20/01
Appendix C	Amend	25 Ill. Reg. 8911, 07/20/01
Appendix D	Amend	25 Ill. Reg. 8911, 07/20/01
Appendix G	Amend	25 Ill. Reg. 9799, 08/03/01
310.280	Amend	25 Ill. Reg. 11958, 09/21/01
310.230	Amend	25 Ill. Reg. 11958, 09/21/01
310.270	Amend	25 Ill. Reg. 11958, 09/21/01
310.280	Amend	25 Ill. Reg. 11958, 09/21/01

- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:  
  
Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
(217) 782-5601
- 12) Initial Regulatory Flexibility Analysis:  
  
A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2001
- The full text of the proposed amendment begins on the next page.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2001
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2001
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

## APPENDIX A Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2001
APPENDIX C	Medical Administrator Rates for Fiscal Year 2001
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2001
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2001

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854,



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7692, Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 12607, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: SCHEDULE OF RATES

## Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Community Affairs

Public Information Officer IV  
(Pos. No. 37004-42-00-005-10-01)

Annual Salary  
64,932

Public Service Administrator  
(Pos. No. 37015-42-35-110-10-03)

Annual Salary  
75,588

Public Service Administrator  
(Pos. No. 37015-42-35-140-20-01)

Annual Salary  
87,720

Department of Human Services

Administrative Assistant I  
(Pos. No. 00501-10-68-010-80-21)

Annual Salary  
55,200

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Medical Administrator I, Option D  
(Pos. No. 26401-10-79-006-00-21)

Annual Salary  
142,368

Public Service Administrator  
(Pos. No. 37015-10-23-100-30-01)

Annual Salary  
73,632

Senior Public Service Administrator  
(Pos. No. 40070-10-65-000-00-01)

Annual Salary  
105,475

Senior Public Service Administrator  
(Pos. No. 40070-10-81-920-00-21)

Annual Salary  
105,480

Illinois State and Local Labor Relations Board

Private Secretary II  
(Pos. No. 34202-50-19-000-00-01)

Annual Salary  
51,900

Department of Natural Resources

Administrative Assistant II  
(Pos. No. 00502-12-30-000-20-01)

Annual Salary  
50,520

Department of Revenue

Senior Public Service Administrator  
(Pos. No. 37015-25-61-140-80-01)

Annual Salary  
76,668

Department of State Police

Senior Public Service Administrator  
(Pos. No. 40070-21-10-000-00-01)

Annual Salary  
109,358

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pupil Transportation Reimbursement2) Code Citation: 23 Ill. Adm. Code 120

<u>Section Number:</u>	<u>Proposed Action:</u>
120.10	Amendment
120.20	Amendment
120.30	Amendment
120.40	Amendment
120.50	Amendment
120.60	Amendment
120.70	Amendment
120.80	Amendment
120.90	Amendment
120.100	Amendment
120.110	Amendment
120.120	Amendment
120.130	Repeal
120.210	Amendment
120.230	Amendment
120.240	Amendment
120.245	Amendment
120.250	Amendment
120.260	Amendment

4) Statutory Authority: 105 ILCS 5/Art. 29

5) A Complete Description of the Subjects and Issues Involved: This set of amendments is technical in nature. Its chief purposes are to clarify some current practices and requirements, modernize others, and eliminate some provisions that are obsolete. Many of the changes result from the staff's experience in administering the current rules. Some examples of the types of changes included are given below.

In Subpart A (School Reimbursement):

The depreciation threshold is being raised from \$500 to \$2,500 to acknowledge present-day costs, and additional specificity is provided regarding the manner in which vehicles and/or equipment held for less than one year must be depreciated. (Section 120.60)

Transportation expenses for field trips are made eligible for reimbursement, reflecting the Legal Department's interpretation of the statute. (Section 120.30)

Rules for the reimbursement of expenses connected with installation of 28-inch seat backs are repealed because these rules dealt with retrofitting that is no longer permitted. Under Section 12-807.1 of the

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Vehicle Code, school buses now cannot be sold without 28-inch seatbacks that have been installed by the manufacturer. (Section 120.130)

Specifications for calculating indirect cost are being deleted because all districts use the allowable five percent limit. (Section 120.80) The rules on reimbursement of costs associated with computerized bus scheduling or computer software are amplified. (Section 120.120)

In Subpart B (Custodian Reimbursement for Pupil Transportation):

Changes are made in procedures relevant to residents of the City of Chicago, because the State Board acts as the regional superintendent in that instance. (Section 120.210)

An existing rule on audit and enforcement is being revised because these audits are no longer conducted on an annual basis. The amended rule will continue to afford the agency the oversight authority needed for accountability with respect to claims for custodial reimbursement. (Section 120.260)

6) Will these proposed amendments replace any emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217)782-3950

Comments may also be submitted via e-mail, addressed to: rules@isbe.net

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit



STATE BOARD OF EDUCATION  
NOTICE OF PROPOSED AMENDMENTS  
TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER c: FINANCE

PART 120  
PUPIL TRANSPORTATION REIMBURSEMENT  
SUBPART A: SCHOOL REIMBURSEMENT

Section	Definitions	Transportation and Student Discipline	Pupil Transportation Services Eligible for Reimbursement	Pupil Transportation Services and Costs	Not Eligible for Reimbursement
120.10	Definitions	Transportation and Student Discipline	Pupil Transportation Services Eligible for Reimbursement	Pupil Transportation Services and Costs	Not Eligible for Reimbursement
120.20	Definitions	Transportation and Student Discipline	Pupil Transportation Services Eligible for Reimbursement	Pupil Transportation Services and Costs	Not Eligible for Reimbursement
120.30	Definitions	Transportation and Student Discipline	Pupil Transportation Services Eligible for Reimbursement	Pupil Transportation Services and Costs	Not Eligible for Reimbursement
120.40	Definitions	Transportation and Student Discipline	Pupil Transportation Services Eligible for Reimbursement	Pupil Transportation Services and Costs	Not Eligible for Reimbursement
120.50	Reimbursable Direct Operating Costs	Reimbursable Direct Operating Costs	Reimbursable Direct Operating Costs	Reimbursable Direct Operating Costs	Reimbursable Direct Operating Costs
120.60	Reimbursable Annual Depreciation Allowances	Reimbursable Annual Depreciation Allowances	Reimbursable Annual Depreciation Allowances	Reimbursable Annual Depreciation Allowances	Reimbursable Annual Depreciation Allowances
120.70	Deductions from Direct Operating Costs	Deductions from Direct Operating Costs	Deductions from Direct Operating Costs	Deductions from Direct Operating Costs	Deductions from Direct Operating Costs
120.80	Reimbursable Indirect Cost for Pupil Transportation Services	Reimbursable Indirect Cost for Pupil Transportation Services	Reimbursable Indirect Cost for Pupil Transportation Services	Reimbursable Indirect Cost for Pupil Transportation Services	Reimbursable Indirect Cost for Pupil Transportation Services
120.90	Cost Proration Related to Pupil Transportation	Cost Proration Related to Pupil Transportation	Cost Proration Related to Pupil Transportation	Cost Proration Related to Pupil Transportation	Cost Proration Related to Pupil Transportation
120.100	Reimbursement Formulas	Reimbursement Formulas	Reimbursement Formulas	Reimbursement Formulas	Reimbursement Formulas
120.110	Reporting Requirements	Reporting Requirements	Reporting Requirements	Reporting Requirements	Reporting Requirements
120.115	Fully Allocated Costs of Transportation	Fully Allocated Costs of Transportation	Fully Allocated Costs of Transportation	Fully Allocated Costs of Transportation	Fully Allocated Costs of Transportation
120.120	Computerized Bus Scheduling Services and Software by-Contract	Computerized Bus Scheduling Services and Software by-Contract	Computerized Bus Scheduling Services and Software by-Contract	Computerized Bus Scheduling Services and Software by-Contract	Computerized Bus Scheduling Services and Software by-Contract
120.130	Seat Back Reimbursement [Repealed]	Seat Back Reimbursement [Repealed]	Seat Back Reimbursement [Repealed]	Seat Back Reimbursement [Repealed]	Seat Back Reimbursement [Repealed]

SUBPART B: CUSTODIAN REIMBURSEMENT FOR PUPIL TRANSPORTATION

Section	Definitions	Custodians Eligible for Reimbursement	Custodians Not Eligible for Reimbursement	Responsibilities of Schools	Responsibilities of Public and Nonpublic Chief Administrative Officers	Reimbursement	Responsibilities of the Regional Superintendents of Schools	Educational-Service-Regions	Dispute Resolution	Audit and Enforcement
120.200	Definitions	Custodians Eligible for Reimbursement	Custodians Not Eligible for Reimbursement	Responsibilities of Schools	Responsibilities of Public and Nonpublic Chief Administrative Officers	Reimbursement	Responsibilities of the Regional Superintendents of Schools	Educational-Service-Regions	Dispute Resolution	Audit and Enforcement
120.210	Definitions	Custodians Eligible for Reimbursement	Custodians Not Eligible for Reimbursement	Responsibilities of Schools	Responsibilities of Public and Nonpublic Chief Administrative Officers	Reimbursement	Responsibilities of the Regional Superintendents of Schools	Educational-Service-Regions	Dispute Resolution	Audit and Enforcement
120.220	Definitions	Custodians Eligible for Reimbursement	Custodians Not Eligible for Reimbursement	Responsibilities of Schools	Responsibilities of Public and Nonpublic Chief Administrative Officers	Reimbursement	Responsibilities of the Regional Superintendents of Schools	Educational-Service-Regions	Dispute Resolution	Audit and Enforcement
120.230	Definitions	Custodians Eligible for Reimbursement	Custodians Not Eligible for Reimbursement	Responsibilities of Schools	Responsibilities of Public and Nonpublic Chief Administrative Officers	Reimbursement	Responsibilities of the Regional Superintendents of Schools	Educational-Service-Regions	Dispute Resolution	Audit and Enforcement
120.235	Definitions	Custodians Eligible for Reimbursement	Custodians Not Eligible for Reimbursement	Responsibilities of Schools	Responsibilities of Public and Nonpublic Chief Administrative Officers	Reimbursement	Responsibilities of the Regional Superintendents of Schools	Educational-Service-Regions	Dispute Resolution	Audit and Enforcement
120.240	Definitions	Custodians Eligible for Reimbursement	Custodians Not Eligible for Reimbursement	Responsibilities of Schools	Responsibilities of Public and Nonpublic Chief Administrative Officers	Reimbursement	Responsibilities of the Regional Superintendents of Schools	Educational-Service-Regions	Dispute Resolution	Audit and Enforcement
120.245	Definitions	Custodians Eligible for Reimbursement	Custodians Not Eligible for Reimbursement	Responsibilities of Schools	Responsibilities of Public and Nonpublic Chief Administrative Officers	Reimbursement	Responsibilities of the Regional Superintendents of Schools	Educational-Service-Regions	Dispute Resolution	Audit and Enforcement
120.250	Definitions	Custodians Eligible for Reimbursement	Custodians Not Eligible for Reimbursement	Responsibilities of Schools	Responsibilities of Public and Nonpublic Chief Administrative Officers	Reimbursement	Responsibilities of the Regional Superintendents of Schools	Educational-Service-Regions	Dispute Resolution	Audit and Enforcement
120.260	Definitions	Custodians Eligible for Reimbursement	Custodians Not Eligible for Reimbursement	Responsibilities of Schools	Responsibilities of Public and Nonpublic Chief Administrative Officers	Reimbursement	Responsibilities of the Regional Superintendents of Schools	Educational-Service-Regions	Dispute Resolution	Audit and Enforcement

AUTHORITY: Implementing and authorized by Article 29 of the School Code [105 ILCS 5/Art. 29].

SOURCE: Adopted at 10 Ill. Reg. 19438, effective October 31, 1986; amended at 10 Ill. Reg. 21675, effective December 11, 1986; amended at 12 Ill. Reg. 4147, effective February 5, 1988; amended at 13 Ill. Reg. 7731, effective May 8,

STATE BOARD OF EDUCATION  
NOTICE OF PROPOSED AMENDMENTS

- corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It was included on the July 2000 agenda.
- The full text of the Proposed Amendments begins on the next page:



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

1989; amended at 16 Ill. Reg. 10213, effective June 10, 1992; emergency amendment at 18 Ill. Reg. 12853, effective August 9, 1994, for a maximum of 150 days; emergency expired January 6, 1995; amended at 21 Ill. Reg. 2165, effective February 1, 1997; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: SCHOOL REIMBURSEMENT

## Section 120.10 Definitions

"Buildings" - A district leased, leased/purchased or owned structure or portion of a structure whose primary purpose is to house that houses pupil transportation vehicles and/or equipment used for servicing the district's pupil transportation vehicles, such as a school bus storage building or pupil transportation maintenance garage.

"Chief mechanic" - The person who directly supervises the school district's mechanics and maintenance personnel for pupil transportation vehicles and who also performs the duties of school bus mechanic when necessary.

"Contract" - A written agreement between two parties, for a specific period of time and amount for compensation, that is enforceable by law.

"Contractual pupil transportation service" - Pupil transportation services provided for a set fee under a contract with an independent carrier.

"District owned and operated pupil transportation service" - Pupil transportation service provided by a school district that owns and operates the approved safety inspected vehicle(s), exercises managerial control over facilities and personnel used in the pupil transportation service, and also employs and supervises the school bus driver(s).

"Equipment" - Items, other than vehicles, costing \$2,500 ~~\$500~~ or more and having a useful life of more than one year.

"Independent Carrier" - An individual (other than a student), partnership, corporation, firm, organization, association or other legal entity not subject to control by a school district, which enters into a contract with a school district to provide pupil transportation services. An entity does not qualify as an independent carrier if its contract with the district requires that it do one or more of the following:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

employ existing school district drivers, mechanics, and administrative and clerical personnel;  
pay salaries as stipulated by the school district;

employ or discharge employees solely at the discretion of the school district;

employ specific types and numbers of administrative personnel.

"Lease" - A written contract between two parties whereby the lessee agrees to pay the lessor a specified sum of money for the use of the lessor's transportation equipment, building, land and/or vehicles for a specific period of time with no option to purchase.

"Lease/purchase agreement" - A written contract between two parties whereby the lessee agrees to pay the lessor a specified sum of money for the use of the lessor's transportation equipment, building, land and/or vehicles for a specific period of time, and the contract contains a clause permitting the lessee the option to purchase the equipment and/or vehicles at a specified price within a specified period of time.

"Local Education Agency" ("LEA") - A public educational agency at the local level that operates schools or contracts for educational services. This includes school districts, school districts providing services under a joint agreement pursuant to Section 10-22.31a of the School Code [105 ILCS 5/10-22.31a], educational service regions pursuant to Section 3A-1 of the School Code [105 ILCS 5/3A-1], intermediate service centers pursuant to Section 2-3.62 of the School Code [105 ILCS 5/2-3.62], and governing boards formed pursuant to Section 10-22.20a, 10-22.31, or 3-15.14 of the School Code [105 ILCS 5/10-22.20a, 10-22.31, or 3-15.14].

"Materials, parts, and supplies" - Items costing less than \$2,500 ~~\$500~~ or having a useful life of one year or less.

"Principal cost or capital cost" -

For purchased vehicles, equipment, land and/or buildings the principal cost is the cash cost (list price less any discount, revenue from sale of district-owned item, and/or trade-in allowance) plus the prior year's undepreciated balance of the traded/sold district-owned vehicle, equipment, land or building, excluding all financing charges whether explicit or implicit, minus any insurance proceeds.

For leased or leased/purchased vehicles, equipment, land and/or



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

buildings the principal cost is the lesser of the fair market value of the vehicle, equipment, land and/or building at the time of acquisition or the lease payment minus finance charges.

"Prorated cost" - A cost incurred for multiple functions. In accounting for such cost, the total cost shall be prorated on the required ~~a-verifiable~~ basis among the appropriate account function codes.

"Pupil transportation vehicles" - School buses and other vehicles meeting the requirements set forth in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182] ~~used~~ for transporting pupils.

"School bus driver" - A person who possesses a valid school bus driver's permit, and drives a pupil transportation vehicle, including Division I vehicles identified in the Illinois Vehicle Code, such as taxi cabs, limousines, cars, and minivans, to transport pupils.

"School bus maintenance personnel" - Individuals whose duties are to maintain the district owned or operated pupil transportation vehicles.

"School Day" - *That period of time which the pupil is required to be in attendance at school for instructional purposes.* (Section 29-5 of the School Code [105 ILCS 5/29-5] ~~§111-Rev.-Stat.-1989-ch.-1327-par-29-5~~):-

"Site improvement" - Any addition or improvement to a site leased, leased/purchased, or owned that is directly related to the district pupil transportation services, including but not limited to, underground fuel storage tanks and communication towers.

"Transportation Fund" - An accounting entity as described in Section 17-8 of the School Code [105 ILCS 5/17-8], to account for revenue and expenditures related to pupil transportation services.

"Transportation related building and building maintenance costs" - The portion of depreciation of buildings and site improvements and costs of operation and maintenance of buildings and site improvements directly related to a school district's pupil transportation program. These costs are chargeable to and paid from the Educational Fund or Operations and Maintenance Fund as prescribed in Section 17-7 of the School Code [105 ILCS 5/17-7].

"Transportation supervisory personnel" - Personnel employed by the LEA responsible for all the following functions with respect to either the entire territory of the LEA or a portion of the LEA:

Overall planning of the transportation program, including the

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

development and presentation of recommendations to the board of education concerning contracting, leasing, and/or purchasing related to transportation services, and the preparation and establishment of procedures and policies related to crisis intervention, discipline, and general operation of the transportation service.

Total responsibility for the development of all transportation routes.

Monitoring and modification of the established transportation services, routes, and procedures to ensure an efficient, safe operational program. (This should not be confused with bus driver education.)

Ensuring that sufficient, properly trained maintenance staff and bus drivers meeting the requirements of Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1] are available to provide the established transportation services.

Provision of safety training to drivers, staff, and students for crisis situations (e.g., accidents, vehicle breakdowns).

"Transportation supervisory salary costs" - That portion of the salary and allowable related employee benefits of school district employee(s) who are documented as supervising a school district's pupil transportation programs (Regular, Vocational, Special Education and Nonreimbursable). For districts that do not employ a full or part-time transportation supervisor, a superintendent's/director of special education's salary and related employee benefits shall be prorated as detailed in Section 120.80(b)(3) of this Part. These salary and related employee benefit costs shall be paid from the Transportation Fund.

"Useful life" - The period of time during which an the item is expected to be functional ~~suitable~~ for pupil transportation services ~~service~~.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.20 Transportation and Student Discipline

a) Whenever a school district which provides transportation to a pupil requires that the pupil for disciplinary reasons serve a detention period either before or after the regular school day, the district shall provide transportation to the pupil unless the pupil's parent or guardian has agreed to provide the transportation necessary for the



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

pupil to serve the detention period. The district may claim reimbursement for such transportation which it provides, as allowed in Section 120.30 of this Part.

- b) When detention periods are scheduled for Saturdays or other days when students are not in attendance, the district is not obligated to provide transportation services.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.30 Pupil Transportation Services Eligible for Reimbursement

Pupil transportation services eligible for reimbursement are listed below:

- a) Regular Pupil Transportation Services for Pupils in Kindergarten or Any of Grades 1 through 12

- 1) Transportation services provided for pupils residing at a distance of one and one-half miles or more from the attendance center to which they are assigned.

A) The distance shall be measured from the exit of the property where the pupil resides to the point where pupils are normally unloaded at the attendance center to which they are assigned. (Section 29-3 of the School Code [105 ILCS 5/29-3]).

B) If a pupil is at a location within the school district other than his/her residence for child care purposes at the time for transportation to and/or from school, that location may be considered for purposes of determining the 1 1/2 miles from the school attended. (Section 29-5 of the School Code)

C) Such school board may comply with the provisions of this section by providing free transportation for pupils to and from an assigned school and a pick-up point located not more than one and one-half miles from the home of each pupil assigned to such point. (Section 29-3 of the School Code)

- 2) Transportation services provided for pupils residing within a distance of one and one-half miles from the attendance center to which they are assigned from pickup points at the beginning of the school day and back again at the close of the school-day, effective on the date that the Illinois Department of Transportation grants written approval pursuant to 92 Ill. Adm. Code 556 (Rules on Transporting Pupils Where Walking Constitutes a Serious Safety Hazard) that a serious safety hazard exists due to vehicular traffic, for specific areas and specific ages.

- 3) Transportation services provided for nonpublic school pupils when pupil transportation services for the nonpublic school pupils are provided on the same basis as the transportation services for public school pupils as provided in Section 29-4 of the School Code.

- 4) Transportation services provided to a pupil who is required to be

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

transported but is also required for disciplinary reasons to serve a detention period either before or after the regular school day.

- 5) Transportation which is provided prior to or following voluntary, extracurricular and/or curricular activities, including sport practices, club meetings, drama rehearsals, or choral and band practices where such activities are scheduled before or after the school day, qualifies as transportation provided at the beginning or end of the school day and is therefore subject to reimbursement with respect to students who are required to be transported.

- 6) Transportation services provided for pupils between attendance centers during the school day. This includes transportation of vocational pupils between attendance centers or a building or other trades skill development site of less than one and one-half miles.

- b) Vocational pupil transportation services provided during the school day for vocational pupils transported one and one-half miles or more one way from their assigned attendance center to a vocational program located at:

- 1) An area vocational center;  
2) Another school district; or

3) A building or other trades skill development site.

- c) Special education pupil transportation services, including field trips, provided for special education pupils in accordance with Section 14-7.02 and 14-13.01(b) of the School Code [105 ILCS 5/14-7.02 and 14-13.01(b)] and with 23 Ill. Adm. Code 226 (Special Education). This includes field trips (community based instruction) when approved by the district's state approved director of special education as defined in 23 Ill. Adm. Code 226.

- d) Transportation provided to any student in connection with a field trip:

1) that occurs during a day of student attendance included on the official school calendar of the school district;

2) whose hours are part of the claimable clock hours on the General State Aid Claim (i.e., the destination of the trip is considered to be the assigned attendance center for all students enrolled in the class);

3) that is provided free of charge to the pupil;

4) that is part of the school's curriculum for which pupils earn credit for graduation; and

5) that is not listed in Section 120.40(a)(1) or (2) of this Part.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 120.40 Pupil Transportation Services and Costs Not Eligible for Reimbursement



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

a) Pupil transportation services not delineated in Section 120.30 of this Part are not eligible for reimbursement. Examples of these include the following:

1a) Pupil transportation services provided under Section 29-3.1 of the School Code [105 ILCS 5/29-3.1] to take participants or spectators to or from athletic contests, academic contests, field trips, extracurricular and/or cocurricular activities;

2b) Transportation services provided for pupils at times other than those encompassed by the regularly scheduled routes of the school district, including overnight trips ~~at the beginning or end of the school day, except as provided in Section 120.30;~~

3c) Pupil transportation services ~~to the extent they are~~ funded by other State state or federal programs or for which parents/guardians pay a portion or all of the costs;

4d) Transportation services provided for regular public and nonpublic school pupils residing less than one and one-half miles from their assigned attendance center for which there is no safety hazard approval by the Department of Transportation (costs of these services shall be determined using the formula a detailed in Section 120.100(a) of this Part 120.100(a)(1)); and

5e) Special transportation not approved in accordance with Sections 14-7.02 and 14-13.01(b) of the School Code and 23 Ill. Code 226 (Special Education).

b) Pupil transportation costs not delineated in Section 120.50, 120.60, or 120.80 of this Part are not eligible for reimbursement. Examples of these costs include, but are not limited to, the following:

1) payment of aides, attendants, or monitors on transportation routes, other than personnel stipulated in the Individualized Educational Programs of students with disabilities;

2) premiums for the Illinois Municipal Retirement Fund (IMRF) (except for transportation supervisory staff), Social Security, unemployment insurance, or worker's compensation;

3) consultants, except pre-approved training consultants;

4) costs associated with obtaining a commercial driver's license; and

5) snow removal equipment or service.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.50 Reimbursable Direct Operating Costs

All reimbursable direct operating costs must be paid from the Transportation Fund of a school district, except for those items required by Section 17-7 of the School Code to be paid from the Operation and Maintenance Fund and IMRF payments made for transportation supervisory salaries. All reimbursable direct operating costs of a cooperative for special education or vocational education must be paid from function 2550 (Pupil Transportation Services; see 23 Ill.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Adm. Code 110. Table D). Reimbursable direct operating costs are listed below:

a) District owned and operated pupil transportation services, including districts which make payments to other LEAs ~~entities--which--do--not qualify as independent carriers.~~

1) The cost of physical examinations for school bus drivers required for their employment (Section 29-5 of the School Code) pursuant to 23 Ill. Adm. Code 275 (Pupil Transportation).

2) Salaries and/or wages for the following employees:

A) School bus driver(s);

B) School bus maintenance personnel;

C) Chief mechanic;

D) Special education attendants or aides for that portion of time they assist special education pupils, i.e., for transit time only; and

E) Transportation supervisory salary costs as defined in Section 120.10 of this Part when paid from the Transportation Fund as set forth in Section 120.90(b) and (c) of this Part; and

F) Dispatchers and clerical workers who support the transportation functions, when their positions are documented and records support the percentage of time claimed for each position.

3) The cost of the following benefits for the employees enumerated in subsection (a)(2) of this Section above (if proration is necessary for salaries and/or wages, benefits shall be prorated in the same manner):

A) Health insurance;

B) Life insurance;

C) Dental insurance;

D) Vision insurance;

E) Annuities in lieu of health, life, dental, or vision insurance;

FB) Municipal retirement contribution, if paid by the employer from the Transportation Fund as part of the transportation supervisory salary costs; and

GE) Teacher retirement contributions, if paid by the employer from the Transportation Fund as part of the transportation supervisory salary costs.

4) Payments made to other school districts for providing pupil transportation services and expenditures consistent with this Part these rates.

5) Payments ~~Contractual--~~ payments made to other agencies for computerized bus scheduling; to companies for the purchase of computer software used to establish school bus routes; and to companies for maps that identify vehicular traffic hazards ~~when approved under Section 120.120.~~

6) Payments made for fuel, oil, tires, and other supplies that are necessary for the operation of pupil transportation vehicles.



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 7) The total cost of converting school bus gasoline engines to more fuel efficient engines or to engines which use alternate energy sources.
- 8) Expenditures (according to a school district's written travel reimbursement policies) for travel to workshops or meetings conducted by the regional superintendent or the State Superintendent of Education designed to improve the driving skills of school bus drivers or travel to other training programs that are for the enhancement of skills necessary to operate vehicles safely, manage student behavior, or address specific student needs (excluding competitions).
- 9) Expenditures for contractual maintenance services including materials, parts, supplies and labor necessary for the operation of pupil transportation vehicles or equipment used in the transportation program not exceeding \$2,500 per service.
- 10) Expenditures for lease agreements for pupil transportation vehicles, for lease/rental of less than 30 days.
- 11) Expenditures for insurance, license plates, and inspection fees pertaining to pupil transportation vehicles.
- 12) Expenditures for the rental of pupil transportation equipment for fewer than 30 days.
- 13) Transportation related building, land and building maintenance costs. The prorated costs of operation and maintenance of buildings, as set forth in Section 120.90(g) of this Part, when directly related to pupil transportation services including:
- A) Utility costs;
  - B) Custodial supplies and services;
  - C) Insurance for building(s) and/or for site improvement(s);
  - D) Security services;
  - E) Telephone charges incurred for the transportation program; and
  - F) Lease or rental of land or buildings for storing or maintaining transportation vehicles when leased for less than 30 days.
- 14) Expenditures for items that enhance transportation safety, costing less than \$2,500 and not funded by any other federal or State source of funding, including but not limited to:
- A) federally approved child safety restraint systems;
  - B) reflective tape;
  - C) alarm/warning systems for child safety.
- b) Contractual pupil transportation services
- 1) The cost of contractual pupil transportation services, which shall be limited to the following types:
- A) Payments to independent carriers whose drivers and vehicles comply with the Illinois Vehicle Code (e.g., to bus companies, taxi companies, limousine services, and medical transportation carriers qualifying as independent carriers); and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- B) Payments to parents or guardians, or adult residents of the district for transporting their own children when the district has an obligation to provide free pupil transportation services special education pupils only, when such transportation is provided in accordance with Section 14-7-02 and 14-13-01(b) of the School Code and the provisions of Special Transportation in 23-111, Admin. Code 226-(Special Education).
- 2) Contractual payments made to other agencies for computerized bus scheduling when approved under Section 120.120; 3) Payments made for fuel, oil, tires, and other supplies that are as necessary for the operation of pupil transportation vehicles as the items specified in this Section.
- 34) Transportation supervisory salary costs as allowed in subsections (a)(2)(E) and (a)(3)(E) and (F) of this Section Section 120.50(a)(2)(B) and (a)(3)(B) and (E).
- 45) Transportation related building, land and building maintenance costs as allowed in Sections 120.50(a)(13) and 120.60(d) and (e) of this Part.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.60 Reimbursable Annual Depreciation Allowances

- a) Annual depreciation allowances shall be based on the principal cost of pupil transportation vehicles or equipment for items costing \$2,500 or more and with a useful life in excess of one year.
- 1) When a vehicle and/or equipment costing \$2,500 \$500 or more is purchased, leased for 30 days or more, or leased/purchased any time during the fiscal year, depreciation shall be prorated based upon the percentage of the fiscal year for which the item was held, as set forth in subsection (a)(2) of this Section a full year's depreciation is claimable for that year.
- 2) The depreciation allowance shall be calculated by dividing the number of months the item to be depreciated is retained by the LEA by 12 and multiplying the allowable depreciation rate by the resulting percentage. This prorated depreciation rate shall then be applied to the principal cost. When a vehicle and/or equipment is sold, destroyed, or traded in any time during the fiscal year, no depreciation may be claimed for that year.
- 3) Vehicles and/or equipment leased for 30 days or more leased/purchased or purchased, and sold or destroyed within the same fiscal year must use a prorated principal cost based on the following formula:
- (Principal costs divided by 12 months) X number of months in possession of the district = prorated principal cost.
- b) The depreciation of pupil transportation vehicles that are



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

purchased, leased/purchased, or leased for 30 days or more by the district shall be ~~subject-to-a-20-percent-annual-depreciation allowance~~ based on an annual rate of 20 percent of the principal cost.

c) The depreciation of pupil ~~Pupil~~ transportation equipment not installed in the vehicle that is purchased or leased/purchased or leased for more than 30 days by the district shall be based on an annual rate of ~~subject-to-a~~ ten percent of ~~annual-depreciation-allowance-based-on~~ the principal cost.

d) The depreciation of buildings (including new additions to existing buildings) shall be ~~that-are-purchased, leased/purchased, or leased for-more-than-30-days-~~ is based on an annual depreciation rate of ~~two~~ 2 percent of the principal cost. ~~Building-improvements-are depreciated-at-a-rate-of-5-percent-of-the-principal-cost-~~

e) A repair or modification to a pupil transportation vehicle costing \$2,500 \$500 or more per item and extending the useful life of the vehicle by more than one year must be capitalized and shall be depreciated at an annual rate of ~~subject-to-a~~ 33 1/3 percent ~~annual depreciation-allowance~~. The cost of a repair or modification includes parts, supplies, and labor associated with the completion of the repair or modification.

f) The depreciation ~~Depreciation~~ of site improvement(s) costing \$2,500 \$500 or more and having a useful life of more than one year, made to the building(s) or land used for pupil transportation purposes, shall be based on an annual rate of ~~is-subject-to-a~~ five percent of ~~annual depreciation-allowance-based-on~~ the principal cost, including installation fees.

g) The depreciation ~~Depreciation~~ of two-way transportation vehicle communication systems costing \$2,500 \$500 or more per office or bus shall be ~~is~~ based on an annual rate of ~~ten~~ 10 percent of the principal cost.

h) The depreciation ~~Depreciation~~ of pupil monitoring equipment installed on school buses, including video cameras costing \$2,500 \$500 or more per bus, shall be ~~installed-on-school-buses-is~~ based on an annual rate of 33 1/3 percent of the principal cost.

i) The depreciation ~~Depreciation~~ of a service vehicle (such as a tow truck) costing \$2,500 \$500 or more that is used to service pupil transportation vehicles shall be ~~is~~ based on an annual rate of ~~ten~~ 10 percent of the principal cost.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.70 Deductions from Direct Operating Costs

The following items shall be deducted from direct operating costs.

- a) Payments from other school districts for pupil transportation services.
- b) Revenue received from the rental of transportation facilities.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

vehicles or equipment, or transportation services.

c) Proceeds from an independent contractor when the pupil transportation services are provided by that contractor and the district leases or sells vehicles, supplies, equipment, or facilities to the contractor.

d) Proceeds from the tort liability tax levy used for reimbursable transportation expenditures ~~liability-insurance~~.

e) Proceeds in excess of the undepreciated balance ~~Profit~~ from the sale of pupil transportation vehicles or equipment, if the vehicle or equipment is not replace during the same fiscal year.

f) Any other revenue received ~~as-offsetting-amounts-revenues~~ for direct operating cost expenditures such as, but not limited to, reimbursement from other federal and/or State state programs or for the use of transportation vehicles, in whole or in part, to benefit other entities.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.80 Reimbursable Indirect Cost for Pupil Transportation Services

a) A. No school district that owns and operates its own transportation services shall receive reimbursement for indirect costs equivalent to ~~which-exceed~~ five percent of the total direct cost for pupil transportation services. Total allowable direct costs shall be computed as reimbursable direct costs, plus depreciation, less deductions as stipulated in Section 120.70 of this Part and payments to other LEAs or independent carriers ~~and-payments-for-contractual pupil-transportation-services~~.

b) Reimbursable indirect costs shall include the following:

- 1) Administrative overhead computed as the product of the federal restricted indirect cost rate (calculated in accordance with Federal Management Circular 74-4 (1974), codified at 5 C.F.R. 1310) applicable for that district during that fiscal year times the total allowable direct costs for pupil transportation services; joint agreements/cooperatives which use their administrative district approved indirect cost rate; joint agreements/cooperatives which do not have an administrative district shall use the computed state average indirect cost rate.
- 2) Administrative costs directly related to pupil transportation services properly chargeable to the Educational Fund, function 2551 as defined in 23-111-Adm. Code 110 (Program Accounting Manual) in account:
  - A) Salaries--object-code-1;
  - B) Employee benefits--object-code-2;
  - C) Purchased services--object-code-3;
  - D) Supplies--object-code-4; and
  - E) Other objects--object-code-6.
- 3) Expenses charged to the Educational Fund--Function--2320--for



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

~~district--superintendent--or--Function--2330-for-joint-agreement director--when-a-school-or-joint-agreement-does-not-employ-a-full or-part-time-transportation-director-or-supervisor-as-set-forth in-Section-120-90(c)-per-account:~~

- ~~A) Salaries---object-code-17  
B) Employee-benefits---object-code-27  
C) Purchased-services---object-code-37  
D) Supplies---object-code-47-and  
E) Other-objects---object-code-6-~~

~~4) Any-costs-claimed-as-Reimbursable-Direct-Operating-Costs-under Section-120-50-or-as-Reimbursable-Annual-Depreciation-Allowances under--Section--120-60--of--this--Part--cannot-also-be-claimed-as Reimbursable-Indirect-Costs-~~

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.90 Cost Proration Related to Pupil Transportation

a) When costs or depreciation allowances are to be prorated among pupil transportation services and other nontransportation related activities, the categories used shall constitute:

- 1) Regular pupil transportation services;
- 2) Vocational pupil transportation services;
- 3) Special education pupil transportation services;
- 4) Nonreimbursable pupil transportation services; and
- 5) Nontransportation related activities.

b) If an employee performs multiple job duties (e.g., district/cooperatives employing a part-time transportation supervisor/director) and at least one job duty is reimbursable under pupil transportation, the salary and district paid employee benefits for such employee shall be prorated to each type of job duty based on the ratio of the number of hours worked in each job to the total hours worked.

c) The formula for computing the district superintendent and/or joint agreement director expenses as permitted in Section 120.50(a)(2)(E) or 120.50(a)(3) of this Part 7--or--120-80(b)(3) is listed in this subsection (c) below.

- 1) The district superintendent allowable expenditures shall be prorated based on the ratio of the total transportation fund expenditures to the district's total expenditures of all funds. The district's expenditures are to be calculated in the Illinois Local Education Agency Annual Financial Report pursuant to 23 Ill. Adm. Code 110 (Program Accounting Manual).

2) The joint agreement/cooperative director allowable expenditures shall be prorated based on the ratio of the transportation--fund total expenditures/disbursement and transfers for transportation to the to-----the-----joint-----agreement/cooperative total

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

expenditures/disbursements and transfers of the joint agreement. The joint agreement/ agreement cooperative total expenditures/disbursements and transfers are to be calculated in the Joint Agreement Annual Financial Report.

d) District owned/operated transportation systems must prorate all expenses based on the ratios of miles traveled in each category to the total miles traveled in all categories operated by the district. This method of proration includes Salaries and Employee Benefits, unless the district can document the number of hours worked per category to the total number of hours worked per person.

e) Payments for all contractual transportation services must be prorated based on miles per contractor across contract categories, with the exception of the following:

- 1) Contracts with a company which provides only one type of transportation service;
- 2) Payments to--parents/guardians--who--provide--transportation; 3) Payments to a contractor by a district for costs that are part of a contractual agreement between a cooperative or joint agreement and the contractor; and 4) transportation--expenses--related--to services-provided-by-taxi/timesine-companies;

35) Expenses related to a district contracting with another district for one type of transportation service, 7-and

f) If a pupil transportation vehicle is used for more than one category of transportation service, the depreciation allowance shall be prorated based on the ratio of the number of miles traveled in each category of service to the total miles traveled in all categories.

g) Indirect--cost--shall--be-prorated-based-on-the-ratio-of-the-number-of miles-traveled-in-each-category-to-the-total-miles--traveled--in--all categories- 7) Expenditures charged to the Operations and Maintenance Fund and/or the Education Fund that are directly related to the Pupil Transportation Program Services may be claimed as direct cost reimbursement from the Transportation Program. When the district or joint agreement cannot substantiate the portion of the cost applicable to the pupil transportation program, the expenditures shall be allocated according to the square footage of the bus garage divided by the total square footage feet of all the district owned buildings and that result multiplied by the total expenditures of each allowable cost. The transportation portion of each allowable cost that is under \$2,500 \$500 or which has a useful life less than one year is claimed under Section 120.50(a)(13).

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.100 Reimbursement Formulas

a) Regular pupil transportation services shall be reimbursed by the formula defined in Section 29-5 of the The School Code 111--Rev-



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

~~Stat. 1985, ch. 122, par. 29-5~~ as calculated in this subsection (a) below.

- 1) Total the number of student attendance days as approved on the official school calendar ~~transportation was in operation.~~
- 2) Total the number of days of pupil enrollment in the regular pupil transportation program according to the area (i.e., as indicated in subsection (a)(2)(A) ~~(A)~~, (B), or (C) of this Section below) in which the pupil resided.
  - A) 1 1/2 miles or more from home to their assigned attendance center ~~equals eligible pupils~~;
  - B) Under 1 1/2 miles from home to their assigned attendance center ~~equals noneligible pupils~~;
  - C) Under 1 1/2 miles for pupils who lived in the area that was approved as a vehicular hazard for walking by the Illinois Department of Transportation ~~equals eligible pupils~~.
- 3) Annual average number of regular pupils transported is computed as follows:

A) The total days of pupil enrollment for ~~in which eligible~~ pupils residing 1 1/2 miles or more from home to their assigned attendance centers ~~were transported~~ divided by the total number of student attendance days on the official school calendar ~~transportation was in operation.~~

B) The total days of pupil enrollment for ~~in which noneligible~~ pupils residing under 1 1/2 miles from home to their assigned attendance center ~~were transported~~ divided by the total number of student attendance on the official school calendar ~~transportation was in operation.~~

C) The total days of pupil enrollment for ~~in which eligible~~ pupils residing under 1 1/2 miles from home to their assigned attendance centers and who lived in an area that was approved as a vehicular hazard by the Illinois Department of Transportation divided by the total number of student attendance days on the official school calendar ~~days transportation was in operation.~~

4) Weighted eligible pupils equals the sum of the calculations for subsections (a)(3)(A) and (a)(3)(C) of this Section ~~120-100(a)(3)(A) and 120-100(a)(3)(C)~~, multiplied by two.

5) Total weighted pupils equals the sum of the calculations for subsections (a)(3)(B) and (a)(4) of this Section ~~120-100(a)(3)(B) and 120-100(a)(4)~~.

6) Total cost of transportation all regular pupils equals the total direct costs minus revenue plus allowable indirect cost.

7) Total cost to transport noneligible pupils equals the calculation for subsection (a)(6) of this Section ~~120-100(a)(6)~~ divided by the calculation for subsection (a)(5) of this Section ~~120-100(a)(5)~~, multiplied by the calculation in subsection (a)(3)(B) of this Section ~~120-100(a)(3)(B)~~.

8) The result of subsection (a)(7) of this Section ~~120-100(a)(7)~~ is

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

deducted from the calculation for subsection (a)(6) of this Section ~~120-100(a)(6)~~ to determine the allowable regular pupil transportation cost.

- b) Vocational pupil transportation services shall be reimbursed by the formula and calculation procedure defined in Section 29-5 of the ~~the~~ School Code.
- c) Special education pupil transportation services shall be reimbursed by the formula and calculation procedure defined in Sections Section 14-13.01(b) and 29-5 of the ~~the~~ School Code [105 ILCS 5/14-13.01(b) and 29-5] ~~(111-Rev. Stat. 1985, ch. 122, par. 14-13.01(b) and 29-5)~~.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.110 Reporting Requirements

According to the date set forth in Section 29-5 of the ~~the~~ School Code, districts shall annually report, on the State Board of Education form entitled "Annual Claim for Pupil Transportation Reimbursement," the information described in subsections (a) through (e) of this Section.

a) For regular pupil transportation services, the school districts shall annually, pursuant to Section 29-5 of the ~~the~~ School Code, report the following items:

- 1) Total number of enrolled pupil days in the regular pupil transportation service, to be compiled on the State Board of Education form, "Resident Pupils Transported Work Sheet" for each of the following:

- A) Pupils residing one and one-half miles or more from their assigned attendance center;
- B) Pupils residing less than one and one-half miles from their assigned attendance center; and
- C) Pupils residing less than one and one-half miles from their assigned attendance center with vehicular hazard approval; ~~and B) Pupils transported at times other than at the beginning or end of the school day.~~

2) Total number of student attendance days on the official school calendar ~~pupils were transported during the regular school term.~~

3) Total number of pupils, to be compiled on the "Resident Pupils Transported Work Sheet" in the following categories:

- A) Public school pupils transported during the regular school term;
- B) Nonpublic school pupils transported during the regular school term; and
- C) Pre-kindergarten pupils transported during the regular school term on regular routes for grades kindergarten - 12; ~~and Public and nonpublic school pupils transported during the summer school term.~~
- D) Pupils transported on reimbursable field trips who are not



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

enrolled to be transported on a reimbursable regular route.

4) Total number of vehicle miles traveled to and from school during the regular school term, including the total mileage traveled during the regular school term for reimbursable regular field trips.

5) Expenditures and deductions as set forth in Sections 120.50 through 120.80 of this Part.

b) For vocational pupil transportation services, the school districts shall annually report the following items:

- 1) Total number of pupils transported during the regular school term;
- 2) Total number of vehicular miles traveled during the regular school term, including the total mileage traveled during the regular school term for reimbursable vocational field trips; and
- 3) Expenditures and deductions as set forth in Sections 120.50 through 120.80 of this Part.

c) For special education pupil transportation services, the school districts shall annually report the following information:

- 1) Total number of special education pupils transported during the regular and summer school terms term;
- 2) Total number of special education pupils transported during the summer school term; 3) Total number of vehicular miles traveled during the regular and summer school terms, including the total mileage traveled for reimbursable special education field trips term; and the

34) Expenditures and deductions as set forth in Sections 120.50 through 120.80 of this Part.

d) For nonreimbursable pupil transportation services, the school districts shall annually report the:

- 1) Total number of vehicle miles traveled during the regular and summer school terms term; and
- 2) Expenditures as set forth in Sections 120.50 through 120.80 of this Part.

e) The following forms shall be submitted annually to the State Board of Education:

- 1) "Annual Claim for Pupil Transportation Reimbursement"
- 2) "Pupil Transportation Depreciation Schedule" which records the district's calculation of the annual depreciation allowance pursuant to Section 120.60 of this Part.

f) The following forms shall be retained by the school district for audit purposes:

- 1) "Resident Pupils Transported Work Sheet"
- 2) "Pupil Transportation Indirect Cost Work Sheet" which records the information developed pursuant to Section 120.60 of this Part.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

**Section 120.120 Computerized Bus Scheduling Services and Software by Contract**

Computerized Approval of computerized bus scheduling to be provided by contract or purchases of software to be used in the development of school bus routes are reimbursable when the service's or software's major functions include all of the following: shall be granted when a district provides written assurance to the State Board of Education Department of School Finance that the district's expenditures for such service will produce lower costs for pupil transportation system operations in the district.

- a) provides mapping of the district and its streets;
- b) allows the locations of attendance centers and student residences in relationship to attendance centers to be evaluated for transportation eligibility based upon mileage along normally traveled roads or location of approved serious safety hazards due to vehicular traffic;
- c) creates transportation routes;
- d) assigns pupils to routes;
- e) maintains student eligibility lists and schedules of routes.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 120.130 Seat Back Reimbursement (Repealed)**

a) A school district's additional cost resulting from the installation of 28-inch seat backs by the original bus manufacturer is eligible for reimbursement in accordance with Section 29-17 of The School Code (Ill. Rev. Stat. 1987 ch. 1227 par. 29-17):

b) For 28-inch seat back installation reimbursement, the school district shall annually report:

- 1) The number of school buses purchased or leased by or operated under a contract for the school district in which 28-inch seat backs were installed during the school year; and
- 2) The district's additional cost for each school bus resulting from the installation of 28-inch seat backs.

c) To document its claim, the district shall retain or other equivalent billing information from the original bus manufacturer verifying the cost of installation and the amount of the district's claim.

(Source: Repealed at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: CUSTODIAN REIMBURSEMENT FOR PUPIL TRANSPORTATION

**Section 120.210 Custodians Eligible for Reimbursement**

- a) This Subpart establishes the procedures for reimbursing custodians for qualified transportation expenses as provided in Section 29-5.2 of the



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

~~The School Code [105 ILCS 5/29-5.2] (Ill.-Rev.-Stat.-1987--ch7--1227 par--29-5-2).~~

b) The custodian must complete a claim form, provided by the State Board of Education, no later than June 30 of each year. The claim form will be available at each school attendance center for which the State Board of Education has a mailing address on file.

1) In cases where a qualifying pupil resides within 1 1/2 miles of the pupil's school but for whom walking constitutes a serious hazard to the safety of the pupil due to vehicular traffic, the custodian must first request a determination of a serious safety hazard from the Illinois Department of Transportation, except that any custodian who previously received a determination that a serious safety hazard exists need not resubmit such a request for four 4 years.

2) The custodian's request for a determination of a serious safety hazard must be completed on a form provided by the regional superintendent of schools ~~Superintendent--of--the--Educational Service--Region~~ for the county in which the custodian resides and must be returned to that regional superintendent ~~Educational Service--Region--Superintendent~~ by February 1 of the school year for which reimbursement will be sought, except that custodians resident of the City of Chicago shall contact the State Board of Education to obtain the form and shall return it to the State Board's Springfield office by February 1 of the school year for which reimbursement will be sought.

c) The custodian shall certify on the claim form provided by the State Board of Education that:

1) the custodian is the parent or legal guardian of the pupil(s) for whom expenses are being claimed;

2) during the school year for which reimbursement is being claimed, the pupil(s) attended regularly scheduled day-time classes as full-time student(s) in a kindergarten through grade 12 program at the public or nonpublic school;

3) the pupil(s) resided 1 1/2 miles or more from the school attended and did not have access to transportation to and from school provided entirely at public expense; or these pupils lived within 1 1/2 miles from the school attended, the Illinois Department of Transportation has determined, within the last four 4 years, that walking would constitute a serious hazard to the safety of the pupils due to vehicular traffic, the hazardous conditions remain unchanged, and the pupils did not have access to transportation to and from school provided entirely at public expense;

4) the custodian paid the amount claimed to transport the pupil(s) to and from school during the school year for which the claim is being submitted; and

5) that if requested within three years after the close of the school year for which reimbursement is claimed, the custodian will provide the State Superintendent of Education with either

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

contemporaneous records verifying the amount claimed or an affidavit verifying the amount claimed and notification of a serious safety hazard issued by the Illinois Department of Transportation when the pupil(s) claimed lived within 1 1/2 miles of the school attended.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.230 Responsibilities of Schools

a) Schools shall notify custodians of the eligibility criteria set forth in Section 29-5.2 of the ~~the~~ School Code and Section 120.210 of this Part, and of the availability of claim forms for transportation reimbursement by April 15 of each year. Such notification shall also inform custodians of the existence of the dispute resolution procedures contained in Section 120.250 of this Part.

b) Schools will make the claim forms available by May 1 of each year at each of their attendance centers for custodians to come in and complete.

c) Each attendance center shall designate a representative to assist custodians in completing claims, to explain eligibility requirements, and to forward completed claims to the State Board of Education by the date specified in subsection (e) of this Section.

d) The school's representative will sign each claim form certifying that:

1) he or she is the authorized representative at that specific school;

2) attendance at that school satisfies the Illinois compulsory attendance requirements as specified in Section 26-1 of ~~the~~ the School Code [105 ILCS 5/26-1] (~~Ill.-Rev.-Stat.-1985--ch7--1227 par--26-1~~);

3) the pupil(s) claimed attended regularly scheduled day-time classes as full-time pupil(s) at the school during the year claimed; and

4) ~~that~~ the pupil(s) claimed did not have access to transportation to and from school provided entirely at public expense.

e) Schools will submit one copy of the completed form(s) to the State Board of Education on or before July 31. Claims received by the State Board after July 31 will be reimbursed only if funds remain available for this purpose ~~failure to comply with this requirement shall result in delayed reimbursement of the custodians included on the claims submitted after July 31.~~

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.240 Reimbursement



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- a) Claim forms will be reviewed by State Board of Education staff within thirty (30) days of their receipt to determine compliance with the requirements of this Part.
- b) Claims claim forms which are found to be incomplete because of missing information (e.g., custodian or school official signature), illegible information, or inaccurate information (e.g., a mismatch between the number of students and the amounts claimed, or an inaccurate calculation of claims) will be investigated by contacting the respective schools and be returned to their respective schools by September 1. These claim forms will indicate the deficiencies to be remedied and will be accompanied by a request to return the corrected claim forms to the State Board of Education by October 1. Failure to resolve claim problems comply with this request shall result in denial of delayed reimbursement of the custodians included on the deficient claims.
- c) The State Superintendent of Education shall prepare a report of all claims approved in accordance with this Part, shall prepare vouchers showing the amounts due to custodians, and shall transmit these documents to the Comptroller of the State of Illinois by December 1.
- d) Reimbursement to custodians for qualified transportation expenses incurred shall be limited to the amount specified in Section 29-5.2(d) of the School Code [105 ILCS 5/29-5.2(d)] (1117-Rev-Stat-19857 ch-122, par-29-5.2(d)).
- e) Reimbursement to regional superintendents of schools Superintendents of Educational Service Regions shall be \$5.00 for each request for determination of a serious safety hazard which was sent to the Illinois Department of Transportation and for which notification of the determination was forwarded to the requesting parent/guardian.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 120.245 Responsibilities of the Regional Superintendents of Schools Educational Service Regions

- a) Regional superintendents of schools Superintendents of Educational Service Regions shall maintain copies of forms and instructions for completing such forms for parents/guardians to request a determination of a serious safety hazard from the Illinois Department of Transportation.
- b) Regional superintendents Superintendents of Educational Service Regions shall accept completed forms from parents/guardians requesting a determination of a serious safety hazard from the Illinois Department of Transportation up to and including February 1 of the school year. Each regional superintendent The Superintendent shall forward the completed forms to the Illinois Department of Transportation within 15 calendar days after of receipt.
- c) Regional superintendents Superintendents of Educational Service

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Regions shall receive notifications of the determination of whether a serious safety hazard exists from the Illinois Department of Transportation. The regional superintendent shall make a copy of each notification and shall immediately forward such notification to the parents/guardians who requested the determinations. Immediately is defined as within one day after of receipt where a day constitutes a day when the regional superintendent's Superintendent's office is open for business. Each regional superintendent shall retain a copy of each notification received for four years after the date of the Illinois Department of Transportation's determination.

d) Regional superintendents Superintendents of Educational Service Regions shall maintain a log of these functions that includes at least to minimally include the following:

- 1) the name and address of the parent/guardian making a request for determination of a serious safety hazard;
  - 2) the name and address of the school the pupil(s) attend;
  - 3) the date the completed request for determination of a serious safety hazard is received from the parent/guardian at the regional superintendent's Superintendent's office;
  - 4) the date the request is forwarded to the Illinois Department of Transportation;
  - 5) the date notification of determination of a serious safety hazard is received from the Illinois Department of Transportation; and
  - 6) the date the notification of determination of a serious safety hazard is forwarded to the parent/guardian.
- e) On or before April 30 of each year, each regional superintendent Superintendents of Educational Service Regions shall file a copy of his or her log their logs and a bill for processing requests for serious safety hazard determinations. The bill for processing will be computed by multiplying the number of requests for serious safety hazard determinations sent to the Illinois Department of Transportation for which notification of determination was received and forwarded to the requesting parent/guardian for the current school year times \$5.00.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 120.250 Dispute Resolution

- a) When a custodian and school official disagree as to the validity of a claim for reimbursement, each party shall submit to the State Superintendent of Education a written statement including the reasons for the dispute and any documentary evidence supporting their respective positions. This shall be done by October 1 of the year in which the dispute occurs.
- 1) Failure of the school official to comply with this requirement will automatically validate the position of the custodian,



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

provided that the custodian's claim is otherwise in conformance with this Part.

- 2) Failure of the custodian to comply with this requirement will automatically validate the position of the school official, provided that it is otherwise based on the provisions of Section 29-5.2 of the School Code and this Part.

- b) A custodian who believes that the State's ~~state's~~ reimbursement is inaccurate may file a request for correction of said reimbursement, provided that:
  - 1) the request is submitted in writing to the State Superintendent of Education within ten ~~ten~~ calendar days after of receipt of the check for reimbursement; and
  - 2) the request includes:
    - A) a statement of the custodian's reasons for disputing the amount of reimbursement received and 7 any documentary evidence pertaining thereto; ~~7-and~~
    - B) a statement of the amount of money the custodian believes is properly due from the State ~~state~~, and
    - C) the custodian's name, address, and telephone number.

- c) The State Superintendent of Education shall review the evidence submitted pursuant to subsection ~~subsections~~ (a) or (b) of this Section and, based on the applicable provisions of Section 29-5.2 of the School Code and this Part, shall issue a written decision to the person(s) submitting the evidence within 30 ~~thirty--(30)~~ calendar days after of receipt of the ~~said~~ evidence. The decision of the State Superintendent shall be final.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.260 Audit and Enforcement

- a) The State Superintendent of Education may cause ~~claims~~ for reimbursement that ~~which~~ have been approved and paid to ~~will~~ be audited ~~annually~~ by staff of the State Board of Education using-a random-sample-procedure-to-ensure-statewide-distribution-of-the-sample population.

- b) If an audit uncovers evidence that a custodian has knowingly filed a false claim, the State Superintendent shall transmit such evidence in writing to the Attorney General of the State of Illinois and the state's attorney of the county where the custodian resides for such disposition as these officials may deem appropriate.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Determination Of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3) Section Number: 2770.110  
Proposed Action: Amended
- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment to Part 2770 announces the 2002 contribution rates for newly liable employers by classification within their Standard Industrial Code. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing the obsolete subsection with the rates for 1996 as it is no longer needed.
- 6) Will the proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this Amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives? This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
401 South State Street - 7th Floor South  
Chicago, IL 60605  
312-793-4240

The Department requests the submission of written comments within 45 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment may have an impact on small businesses and not for profit corporations as defined in Sections 1-75 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75 and 1-85]. These entities may submit comments in writing to the Department at the above address in



accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business or not-for-profit corporation as part of any written comments that they submit to the Department.

12) Initial Regulatory Flexibility Analysis: Types of small business, small municipalities and not for profit corporations affected:

A) Types of small business, small municipalities and not for profit corporations affected: The proposed rules affect all businesses equally.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendment begins on the next page:



## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. 250, effective January 1, 1994; amended at 18 Ill. Reg. 17473, effective January 1, 1995; amended at 20 Ill. Reg. 350, effective January 1, 1996; amended at 21 Ill. Reg. 561, effective January 1, 1997; amended at 21 Ill. Reg. 15496, effective January 1, 1998; amended at 23 Ill. Reg. 155, effective January 1, 1999; amended at 23 Ill. Reg. 14299, effective January 1, 2000; amended at 24 Ill. Reg. 19125, effective January 1, 2001; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: STANDARD INDUSTRIAL CLASSIFICATION

Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

a) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1996, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.9%
10-14	B. Mining	4.3%
15-17	C. Construction	4.7%
20-39	D. Manufacturing	2.8%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.7%

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

50-51	F. Wholesale Trade	2.2%
52-59	G. Retail Trade	1.7%
60-67	H. Finance, Insurance, Real Estate	1.5%
70-89	I. Services	1.7%
91-97	J. Public Administration	1.6%
99	K. Nonclassifiable Establishments	2.4%

b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1997, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.2%
10-14	B. Mining	3.6%
15-17	C. Construction	3.8%
20-39	D. Manufacturing	1.9%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.9%
50-51	F. Wholesale Trade	1.5%
52-59	G. Retail Trade	1.2%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.2%
91-97	J. Public Administration	1.1%

be) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1998, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.1%
10-14	B. Mining	3.4%
15-17	C. Construction	3.5%
20-39	D. Manufacturing	1.9%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.9%
50-51	F. Wholesale Trade	1.5%
52-59	G. Retail Trade	1.2%
60-67	H. Finance, Insurance, Real Estate	1.2%



## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

70-89	I. Services	1.2%
91-97	J. Public Administration	1.1%

cd) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1999, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.0%
10-14	B. Mining	3.2%
15-17	C. Construction	3.3%
20-39	D. Manufacturing	1.8%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.8%
50-51	F. Wholesale Trade	1.4%
52-59	G. Retail Trade	1.1%
60-67	H. Finance, Insurance, Real Estate	1.1%
70-89	I. Services	1.1%
91-97	J. Public Administration	1.0%

de) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2000, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.0%
10-14	B. Mining	3.1%
15-17	C. Construction	3.2%
20-39	D. Manufacturing	1.8%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.8%
50-51	F. Wholesale Trade	1.3%
52-59	G. Retail Trade	1.0%
60-67	H. Finance, Insurance, Real Estate	1.0%
70-89	I. Services	1.1%
91-97	J. Public Administration	1.0%

ef) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2001, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
--------	-------------------	------

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

01-09	A. Agriculture, Forestry, Fishing	2.8%
10-14	B. Mining	3.2%
15-17	C. Construction	3.0%
20-39	D. Manufacturing	1.6%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.6%
50-51	F. Wholesale Trade	1.2%
52-59	G. Retail Trade	0.9%
60-67	H. Finance, Insurance, Real Estate	1.0%
70-89	I. Services	1.0%
91-97	J. Public Administration	0.9%

f) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2002, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.7%
10-14	B. Mining	3.1%
15-17	C. Construction	2.8%
20-39	D. Manufacturing	1.5%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.5%
50-51	F. Wholesale Trade	1.1%
52-59	G. Retail Trade	0.8%
60-67	H. Finance, Insurance, Real Estate	0.9%
70-89	I. Services	0.9%
91-97	J. Public Administration	0.8%

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Proposed Action:  
113.253 Amendment  
113.260 Amendment

4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and 20 CFR 416.2096.

5) A Complete Description of the Subjects and Issues involved: A grant adjustment is an allowance for Aid to the Aged, Blind or Disabled cases that ensures that the amount of the Supplemental Security Income (SSI) increase from July 1977 and later will be available to clients. To comply with federal regulations, this rulemaking increases the grant adjustment and sheltered care/personal or nursing care rate amounts by the amount of the increase in Social Security and SSI benefits to ensure that the increase is passed on to the recipient. These changes increase the AABD Grant Adjustment Allowance and Sheltered Care/Personal or Nursing Care Rates by \$1.00, the amount of the increase to SSI benefits for individuals due to a correction in the Consumer Price Index.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
113.101	Amendment	25 Ill. Reg. 5162
113.104	Amendment	25 Ill. Reg. 5162
113.107	Amendment	25 Ill. Reg. 5162
113.114	Amendment	25 Ill. Reg. 5162
113.115	Amendment	25 Ill. Reg. 5162
113.117	Amendment	25 Ill. Reg. 5162
113.118	Amendment	25 Ill. Reg. 5162
113.304	Amendment	25 Ill. Reg. 5162
113.305	Amendment	25 Ill. Reg. 5162

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page.



## DEPARTMENT OF HUMAN SERVICES

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113  
AID TO THE AGED, BLIND OR DISABLED

## SUBPART A: GENERAL PROVISIONS

Section  
113.1 Description of the Assistance Program  
113.5 Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
113.9 Client Cooperation  
113.10 Citizenship  
113.20 Residence  
113.30 Age  
113.40 Blind  
113.50 Disabled  
113.60 Living Arrangement  
113.70 Institutional Status  
113.80 Social Security Number

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section  
113.100 Unearned Income  
113.101 Budgeting Unearned Income  
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision  
113.103 Initial Receipt of Unearned Income  
113.104 Termination of Unearned Income  
113.105 Unearned Income In-Kind  
113.106 Earmarked Income  
113.107 Lump Sum Payments and Income Tax Refunds  
113.108 Protected Income (Repealed)  
113.109 Earned Income (Repealed)  
113.110 Budgeting Earned Income (Repealed)  
113.111 Protected Income  
113.112 Earned Income  
113.113 Exempt Unearned Income  
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision  
113.115 Initial Employment  
113.116 Budgeting Earned Income For Contractual Employees

113.117 Budgeting Earned Income For Non-contractual School Employees  
113.118 Termination of Employment  
113.120 Exempt Earned Income  
113.125 Recognized Employment Expenses  
113.130 Income From Work/Study/Training Programs  
113.131 Earned Income From Self-Employment  
113.132 Earned Income From Roomer and Boarder  
113.133 Earned Income From Rental Property  
113.134 Earned Income In-Kind  
113.139 Payments from the Illinois Department of Children and Family Services Assets  
113.140 Assets  
113.141 Exempt Assets  
113.142 Asset Disregard  
113.143 Deferral of Consideration of Assets  
113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)  
113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)  
113.156 Court Ordered Child Support Payments of Parent/Step-Parent  
113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96  
113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96  
113.160 Assignment of Medical Support Rights

## SUBPART D: PAYMENT AMOUNTS

Section  
113.245 Payment Levels for AABD  
113.246 Personal Allowance  
113.247 Personal Allowance Amounts  
113.248 Shelter  
113.249 Utilities and Heating Fuel  
113.250 Laundry  
113.251 Telephone  
113.252 Transportation, Lunches, Special Fees  
113.253 Allowances for Increase in SSI Benefits  
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing  
113.255 Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility  
113.256 Shopping Allowance  
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)  
113.258 Home Delivered Meals  
113.259 AABD Fuel and Utility Allowances By Area  
113.260 Sheltered Care/Personal or Nursing Care Rates  
113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities



DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

113.262 Meeting the Needs of an Ineligible Dependent with Client's Income

SUBPART E: OTHER PROVISIONS

Persons Who May Be Included In the Assistance Unit

Grandfathered Cases

Interim Assistance (Repealed)

Special Needs Authorizations

Retrospective Budgeting

Budgeting Schedule

Purchase and Repair of Household Furniture (Repealed)

Property Repairs and Maintenance

Excess Shelter Allowance

Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)

Redetermination of Eligibility

Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section

113.400 Description of the Interim Assistance Program

113.405 Pending SSI Application (Repealed)

113.410 More Likely Than Not Eligible for SSI (Repealed)

113.415 Non-Financial Factors of Eligibility (Repealed)

113.420 Financial Factors of Eligibility (Repealed)

113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)

113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)

113.435 Medical Eligibility (Repealed)

113.440 Attorney's Fees for SSI Applicants (Repealed)

113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)

113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)

113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: PAYMENT AMOUNTS

## Section 113.253 Allowances for Increase in SSI Benefits

- a) An allowance for \$352.90 351-90 is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- b) EXCEPTIONS: For clients whose assistance payments include an



DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10 is authorized. Individuals receiving Interim Assistance or residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 113.260 Sheltered Care/Personal or Nursing Care Rates

Group A Counties	Needs Assessment	Group B Counties
\$ 840.55	0-7	\$ 852.55
845.55	8	858.55
850.55	9	864.55
855.55	10	870.55
860.55	11	876.55
865.55	12	882.55
870.55	13	888.55
875.55	14	894.55
880.55	15	900.55
885.55	16	906.55
890.55	17	912.55
895.55	18	918.55
900.55	19	924.55
905.55	20	930.55
910.55	21	936.55
915.55	22	942.55
920.55	23	948.55
925.55	24	954.55
\$ 839.55	0-7	\$ 851.55
844.55	8	857.55
849.55	9	863.55
854.55	10	869.55
859.55	11	875.55
864.55	12	881.55
869.55	13	887.55
874.55	14	893.55
879.55	15	899.55
884.55	16	905.55
889.55	17	911.55
894.55	18	917.55
899.55	19	923.55
904.55	20	929.55
909.55	21	935.55
914.55	22	941.55
919.55	23	947.55

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 924-55 24 953-55
- a) Group A Counties are counties other than Cook, DuPage, Kane, Lake and Will.
- b) Group B Counties are Cook, DuPage, Kane, Lake and Will.
- c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
148.500	New Section
148.510	New Section
148.600	New Section
148.610	New Section
148.620	New Section
148.630	New Section
148.640	New Section
TABLE A	New Section
TABLE B	New Section
TABLE C	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's administrative rules on hospital services pertain to the Sexual Assault Survivors Emergency Treatment Program and the State Chronic Renal Disease Program. Additionally, four new Subparts are being proposed at 89 Ill. Adm. Code 148, Hospital Services, to organize the existing rules and accommodate the two new programs.

Proposed Subpart C: Sexual Assault Emergency Treatment Program, adds two Sections to the rules that provide definitions and describe covered emergency treatment services, billing and reimbursement, hospital eligibility requirements and recordkeeping. The purpose of the program is to reimburse ambulance providers, certified Illinois transfer centers (hospitals) and treatment hospitals for emergency services to alleged assault survivors who are not eligible for the Department's Medical Assistance Program nor covered for such services by a policy of insurance.

Sexual assault treatment services are required under the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70]. The program had been administered by the Department of Public Health but in recent years, amendments to the Act have imposed requirements upon the Department to establish rules for reimbursement to hospitals and ambulance providers for services provided to alleged sexual assault survivors [410 ILCS 70/6.3 and 7]. The Department of Public Health retains hospital related responsibilities for licensing, approval of emergency treatment plans, plans of correction, periodic on site reviews and evidence collection.

Under these proposed amendments, providers of ambulance services and

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

outpatient emergency room and transfer services shall furnish services without charge to any alleged sexual assault survivor and shall be entitled to reimbursement from the Department when all conditions concerning eligibility, billing limitations and documentation have been met.

Proposed Subpart D: State Chronic Renal Disease Program, adds eight Sections to Part 148, including three Tables. This Program provides assistance to patients with End Stage Renal Disease who do not qualify for coverage under the Department's Medical Assistance Program or KidCare (the Children's Health Insurance Program). Coverage is provided for lifesaving treatment of chronic renal diseases for patients who cannot pay for these necessary services on a continuing basis. The Program is supplementary to all other resources, including Medicare, private insurance and private income. Program participants are responsible for paying a monthly participation fee to the dialysis facility, and the Department's payment is reduced accordingly. Participation fees are determined for each Program participant, based upon the calculation methodology described in proposed Sections 148.TABLES A, B and C. These new rules provide Program definitions and describe reimbursement levels, eligibility criteria, participation fees and covered services.

The proposed amendments to Part 148 pertaining to the Sexual Assault Survivors Emergency Treatment Program and the State Chronic Renal Disease Program are necessary because responsibility for these Programs has been transferred to the Department from the Department of Public Health. Therefore, the amendments will not result in any budgetary changes for the Department.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.285	Amendment	June 22, 2001 (25 Ill. Reg. 7536)
148.410	New Section	August 2, 2001 (25 Ill. Reg. 9827)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

must be in writing and should be addressed to:

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Providers of ambulance services and hospitals that provide transfer services or emergency treatment for alleged sexual assault survivors will be affected by this proposed rulemaking. Facilities that provide dialysis treatment will also be affected. The Department is unsure whether any of the affected entities may qualify as small businesses.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: January 2001 and July 2001

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148  
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section	
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991, Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

148.270	Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285	Excellence in Academic Medicine Payments
EMERGENCY	
148.290	Adjustments and Reductions to Total Payments
148.295	Critical Hospital Adjustment Payments (CHAP)
148.296	Tertiary Care Adjustment Payments
148.297	Pediatric Outpatient Adjustment Payments
148.298	Pediatric Inpatient Adjustment Payments
148.300	Payment
148.310	Review Procedure
148.320	Alternatives
148.330	Exemptions
148.340	Subacute Alcoholism and Substance Abuse Treatment Services
148.350	Definitions (Repealed)
148.360	Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.368	Volume Adjustment (Repealed)
148.370	Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.390	Hearings
148.400	Special Hospital Reporting Requirements

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section  
148.500  
148.510

Definitions  
Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section  
148.600  
148.610  
148.620  
148.630  
148.640

Definitions  
Scope of the Program  
Assistance Level and Reimbursement  
Criteria and Information Required to Establish Eligibility  
Covered Services

TABLE A  
TABLE B  
TABLE C

Renal Participation Fee Worksheet  
Bureau of Labor Statistics Equivalence  
List of Metropolitan Counties by SMSA Definition

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective, April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, for a maximum of 150 days, effective, April 1, 2001; amended at 25 Ill. Reg. 6959, effective, June 1, 2001; amended at 25 Ill. Reg. 8793, effective, July 1, 2001; emergency amendment at 25 Ill. Reg. 9974, for a maximum of 150 days, effective, July 23, 2001; amended at 25 Ill. Reg. 10513, effective, August 2, 2001; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 148.10 Hospital Services

Sections 148.10 through 148.70 contain participation requirements and coverage limitations for hospital services.

(Source: Recodified from 89 Ill. Adm. Code 140.94 at 13 Ill. Reg. 9572)

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

## Section 148.80 Organ Transplants Services Covered Under Medicaid (Repealed)

(Source: Repealed at 17 Ill. Reg. 14643, effective August 30, 1993)

## SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

## Section 148.500 Definitions

"Act" means the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

"Alleged Sexual Assault Survivor" means a person who seeks hospital emergency services in relation to injuries or trauma resulting from an alleged act of forced sexual penetration or sexual conduct, as defined in Section 12-12 of the Criminal Code of 1961 [720 ILCS 5/12-12], including acts prohibited under Sections 12-13 through 12-16 of the Code [720 ILCS 5/12-13 through 12-16] and Sections 1a and 2 of the Act [410 ILCS 70/1a and 2].

"Ambulance Provider" means an ambulance service providing transportation for alleged sexual assault survivors.

"Department" means the Illinois Department of Public Aid.

"Evidence Collection Kit" means a prepackaged set of materials and forms that has been approved by the Illinois State Police to be used for the collection of evidence relating to sexual assault. The standardized evidence collection kit for all parts of the State shall be the State Police Evidence Collection Kit, also known as "S.P.E.C.K." (Section 6.4 of the Act).

"Hospital" means a facility located in Illinois licensed as a hospital by the Department of Public Health pursuant to the Hospital Licensing Act [210 ILCS 85] or that meets both the definition of a hospital and the licensure exemption provisions of the Hospital Licensing Act.

"Hospital Emergency Services" means health care delivered to alleged sexual assault survivors within or under the care and supervision of personnel working in a designated emergency department or emergency room of a hospital.

"Medical Assistance Program" means the Medicaid Program authorized under Title XIX of the Social Security Act and Section 5 of the Public Aid Code [305 ILCS 5/5] and the State Children's Health Insurance Program (CHIP), authorized under Title XXI of the Social Security Act and the Children's Health Insurance Program Act [215 ILCS 106].

"Transfer Facility" means a hospital that provides only transfer services to alleged sexual assault survivors, pursuant to 77 Ill. Adm. Code 545.

"Treatment Facility" means a hospital that renders emergency treatment to alleged sexual assault survivors, pursuant to 77 Ill. Adm. Code 545.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 148.510 Reimbursement



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

When a hospital or ambulance provider furnishes emergency services to any alleged sexual assault survivor who is neither eligible to receive those services under the Department's Medical Assistance Program nor covered for those services by a policy of insurance, the hospital and ambulance provider shall furnish the services without charge to that person, and shall be entitled to be reimbursed for its billed charges in providing the services, under the following conditions:

- a) An Illinois hospital shall be eligible for reimbursement only after receiving Department of Public Health approval for participation as a Sexual Assault Treatment Facility or as a Sexual Assault Transfer Facility.
- b) Charges for outpatient emergency care, physician, and ambulance transportation, and other related charges, shall be reimbursed only through the hospital outpatient billing department.
  - 1) Physicians, ambulance providers, and other miscellaneous medical providers rendering services in the hospital emergency department shall not be directly reimbursed by the Department of Public Aid.
  - 2) Charges for inpatient care shall not be reimbursed.
  - 3) Charges must be directly related to emergency care rendered for examinations, injuries, or trauma resulting from an alleged sexual assault and/or the completion of sexual assault evidence collection through the use and application of the State Police Evidence Collection Kit.
  - 4) Emergency room services must have been provided within the hospital emergency department (room) under the direction of an attending emergency room physician at the facility who supervised or provided the hospital emergency care of the alleged sexual assault survivor, or during the ambulance transport of the alleged sexual assault survivor.
  - 5) Charges may include, but are not limited to, physician, laboratory, x-ray, pharmacy and ambulance services, including charges for no more than two follow-up visits to the emergency department that are related to the alleged sexual assault and occur within six weeks after the initial visit.
  - 6) The billed charges for services provided to alleged sexual assault survivors shall be no greater than the provider's customary charges to the general public for those types of services. Physician fees shall be no greater than those considered usual and customary in the community.
  - 7) Claims must be received by the Department within 12 months from the date of service to be eligible for payment.
- c) The hospital shall maintain sufficient records to document its charges for services to each alleged sexual assault survivor. The records shall be available for the Department's review upon its request and shall contain at least the following:
  - 1) Alleged sexual assault survivor's name, address, date of birth, Social Security Number, marital status, sex, employer and name of parent or guardian (if minor patient);

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 2) Date of service;
- 3) Hospital patient number and name of attending physician;
- 4) List of services provided;
- 5) Charges for each service;
- 6) Any documentation concerning the alleged sexual assault survivor's insurance coverage; and
- 7) A report outlining each service provided and paid for by the Department and the services available to alleged sexual assault survivors.
- d) The hospital outpatient billing department shall submit the following documentation in order to be considered for reimbursement:
  - 1) The Illinois Department of Public Aid Sexual Assault Survivor Program Outpatient Hospital Billing Form, completed in its entirety for the initial visit and follow-up visits;
  - 2) When applicable, the Billing Form with documentation of any insurance payment that has been received, or a copy of the denial from the insurance carrier;
  - 3) A legible copy of the emergency room admission form with physician's notes and orders and nurse's notes; and
  - 4) Itemized statement of all charges from each provider.
- e) Under no circumstances shall an alleged sexual assault survivor be billed for outpatient hospital care, emergency room care or transportation services when the services are directly related to the sexual assault.
- f) A request for reimbursement that is rejected by the Department shall be returned to the requestor and accompanied by an explanation that specifies the basis for rejection. Corrected or amended requests may be resubmitted to the Department within 12 months from the date of service.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

## Section 148.600 Definitions

"Committee" means the Renal Disease Advisory Committee.

"Department" means the Illinois Department of Public Aid.

"Dialysis Facility" means a facility that provides dialysis treatments such as in-facility and home dialysis and is certified by the federal Centers for Medicare & Medicaid Services as a Medicare-approved dialysis facility.

"Dialysis Treatment" means the filtering of blood in order to remove liquid and unwanted material so that fluid, electrolyte and acid-base



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

balance in the blood can be maintained.

"End Stage Renal Disease" means the level of renal impairment that is irreversible and permanent, results in the kidneys losing their ability to filter blood and excrete urine, and requires a regular course of dialysis or kidney transplantation to maintain life.

"Patient" means an eligible person whose kidneys are non-functioning or absent and who requires dialysis treatment to maintain life.

"Program" means the Illinois Department of Public Aid's State Chronic Renal Disease Program.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 148.610 Scope of the Program**

The Illinois Department of Public Aid's State Chronic Renal Disease Program assists patients with End Stage Renal Disease who have not qualified for benefits under Medical Assistance or KidCare. The Program assists eligible patients suffering from chronic renal diseases who require lifesaving care and treatment for such renal diseases, but who are unable to pay for the necessary services on a continuing basis. The Program is supplementary to all other resources, including Medicare, private insurance and private income.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 148.620 Assistance Level and Reimbursement**

a) Only approved dialysis facilities that are enrolled with the Department shall be reimbursed for dialysis treatments received by eligible patients.

b) The Department shall reimburse dialysis facilities for a portion of the costs of dialysis treatments provided to eligible patients. The Department will determine annually the rate of reimbursement to be used for the fiscal year, based on Medicare's Composite Payment Rates.

c) Assistance for chronic outpatient dialysis patients who are Medicare eligible, but who also qualify for the Program for both in-facility dialysis and home dialysis, will not exceed 15 percent of the Medicare rate.

d) New patients who qualify for chronic outpatient dialysis assistance during the waiting period for Medicare eligibility (60 to 90 days from the date of first dialysis) will be assisted at a maximum of 95 percent or less of the rate established under subsection (b) of this Section.

e) Patients who will never be eligible or qualify for Medicare will be

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

assisted at a maximum of 95 percent or a minimum of 80 percent of the rate established under subsection (b).

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 148.630 Criteria and Information Required to Establish Eligibility**

a) An eligible person shall:

1) Be a resident of the State of Illinois as provided in 305 ILCS 5/2-10; and

2) Meet requirements of citizenship as provided in 305 ILCS 5/1-11.

b) The following information shall be verified by the dialysis facility and maintained in the patient's record:

1) Citizenship or immigration status;

2) Address; and

3) Social Security Number.

c) Eligibility of patients shall be determined by the Department based on the information required in this Section. To maintain eligibility for participation in the Program, a patient shall meet the following criteria on an ongoing basis:

1) A physician's diagnosis of End Stage Renal Disease for the patient must be on file at the dialysis facility;

2) The designated Department of Human Services office has determined the patient is not eligible for medical assistance; and

3) The patient shall provide documentation to the dialysis facility of his or her ineligibility for non-spenddown Medicaid or QMB (Qualified Medicare Beneficiary) status.

d) Participation Fees

1) Participants in the Program shall be responsible for paying a monthly participation fee to the dialysis facility from which they receive dialysis treatment. The amount of the Department's payment, as determined under Section 148.620, shall be reduced by the amount of the participation fee. The fee shall be determined by the Department based on income and information contained in the Bureau of Labor Statistics (BLS) standards, as described in Section 148.620, and calculated pursuant to the Direct Care Program Renal Participation Worksheet (Section 148.620, Table A).

2) The following shall be obtained and verified by the dialysis facility and submitted with the patient's application to the Department for determination of the amount of a patient's participation fee.

A) Pay stubs for the 90 days preceding the date of signature on the application if not employed for the past year; or

B) Previous year's federal and State Income Tax Returns if employed during the previous year.

3) The following are allowed as deductions from income:

A) Federal, State and local taxes;



DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

Section 148.640 Covered Services

- B) Special care for children;  
C) Support (child, relative or alimony);  
D) Retirement or Social Security benefits;  
E) Employment expenses (union dues, special tools and clothing);  
F) Transportation to and from the site of dialysis; and  
G) Medical expenses, both paid and outstanding.
- 4) If a substantial change in the financial status of any patient occurs after the patient has been found eligible for the Program, the patient shall report the change to the dialysis center. Based on the extent of the change, a new participation fee may be determined and imposed by the Department.
- e) The following shall be verified by the dialysis facility and submitted with the patient's application to the Department for determination of nonfinancial eligibility by the Department:
- 1) Third Party Liability  
A) Proof of insurance coverage; and  
B) Proof of Medicare coverage.
- 2) Consent form required under subsection (f) of this Section, signed by the patient or his or her representative.
- f) The applicant or the applicant's parent or guardian must sign a consent form authorizing the release of all medical and financial records to the Department and to an approved chronic renal disease treatment facility.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 148.640 Covered Services

- Assistance may be provided for eligible patients for costs associated with:
- a) Prescribed medication related to chronic renal disease treatment;  
b) Transportation to and from the site of dialysis or the site of out-patient post transplantation care when such needs are defined as emergency situations by the physician and social worker in the approved facility; and  
c) Laboratory tests, not otherwise covered, that are related to the patient's status after a transplantation procedure. The laboratory tests are covered for three years after the date of transplantation.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

Section 148.640 Covered Services

Date \_\_\_\_\_

Initialed \_\_\_\_\_

Patient Identification Number \_\_\_\_\_

PATIENT'S NAME Last First Middle Initial

In questions 1 through 4 below, please circle one number or group of numbers:

1. NUMBER OF PERSONS IN FAMILY 1 2 3 4 5 6 or more

2. NUMBER OF CHILDREN 1 2 3 4 5 or more

3. AGE OF OLDEST CHILD IN YEARS 0-5 6-15 16-17 18 and over

4. AGE OF HEAD OF HOUSEHOLD Under 35 35-54 55-64 65 and over

BUREAU OF LABOR STATISTICS (BLS) EQUIVALENCE FACTOR = \_\_\_\_\_ (see Table B)

A. LOCATION  
(See Table C, List of Metropolitan Counties by SMSA Definition)

BLS METRO = \$12,815  
BLS NON-METRO = \$11,604

B. STANDARD BUDGET

BLS EQUIVALENCE FACTOR BLS STANDARD BUDGET FAMILY STANDARD BUDGET

\$ \_\_\_\_\_ X \$ \_\_\_\_\_ = \$ \_\_\_\_\_  
(metro or non-metro)

C. PARTICIPATION DETERMINATION

ADJUSTED GROSS INCOME FAMILY STANDARD BUDGET

\$ \_\_\_\_\_ - \$ \_\_\_\_\_ = \$ \_\_\_\_\_ X .333 = \$ \_\_\_\_\_

D. ADJUSTED GROSS INCOME

\$ \_\_\_\_\_ X .125 = \$ \_\_\_\_\_

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

L. INCOME IN EXCESS

\$ \_\_\_\_\_ X .333 = \$ \_\_\_\_\_

M. ENTER SMALLEST AMOUNT OF C or D or L \$ \_\_\_\_\_

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

LESSER OF C or D = \$ \_\_\_\_\_

E. ADJUSTED GROSS INCOME = \$ \_\_\_\_\_

FAMILY STANDARD BUDGET = \$ \_\_\_\_\_  
(B above)

F. FEDERAL INCOME TAX STATE INCOME TAX TOTAL TAX

\$ \_\_\_\_\_ + \$ \_\_\_\_\_ = \$ \_\_\_\_\_

TOTAL TAX BLS STANDARD TAX

\$ \_\_\_\_\_ = \$ \_\_\_\_\_  
(metro \$1,435)  
(non-metro \$1,260)

G. SPECIAL CARE FOR CHILDREN \$ \_\_\_\_\_

H. SCHOOL TUITION \$ \_\_\_\_\_

I. FAMILY SUPPORT PAID \$ \_\_\_\_\_

J. OTHER PAYMENTS  
1. Transportation to and from dialysis \$ \_\_\_\_\_  
2. Employment Expense (dues, uniforms, small tools) \$ \_\_\_\_\_

SOCIAL SECURITY PAID BLS STANDARDS

\$ \_\_\_\_\_ = \$ \_\_\_\_\_  
(metro \$702)  
(non-metro \$676)

K. MEDICAL EXPENSES BLS STANDARD MEDICAL EXPENSES ALLOWED

\$ \_\_\_\_\_ = \$ \_\_\_\_\_  
(includes medical insurance premiums)  
(metro \$876)  
(non-metro \$671)

MEDICAL EXPENSES ALLOWED TOTAL EXPENSES INCOME IN EXCESS

\$ \_\_\_\_\_ = \$ \_\_\_\_\_  
(E through K totaled, less adjusted gross income)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 148. TABLE B Bureau of Labor Statistics Equivalence

Revised Scale of Equivalent Income for Urban Families of Different Size, Age and Composition (four person family - husband, age 35-54, wife, 2 children, oldest 6-15 = 100 percent)

## AGE OF HEAD OF HOUSEHOLD

SIZE AND TYPE OF FAMILY	Under 35	35-54	55-64	65 and Over
One person	37%	38%	33%	28%
Two persons:				
Husband and wife	50%	61%	60%	51%
One parent and child	40%	59%	62%	58%
Three persons:				
Husband, wife, child under 6	62%	69%	70%	68%
Husband, wife, child 6-15	62%	83%	89%	81%
Husband, wife, child 16-17	83%	92%	89%	78%
Husband, wife, child 18 or over	82%	83%	86%	77%
One parent, 2 children	68%	77%	84%	75%
Four persons:				
Husband, wife, 2 children, oldest under 6	71%	79%	80%	80%
Husband, wife, 2 children, oldest 6-15	76%	100%	105%	95%
Husband, wife, 2 children, oldest 16-17	113%	114%	126%	110%
Husband, wife, 2 children, oldest 18 or over	96%	96%	110%	89%
One parent, 3 children	88%	97%	97%	87%
Five persons:				
Husband, wife, 3 children, oldest under 6	85%	95%	97%	0%
Husband, wife, 3 children, oldest 6-15	94%	115%	119%	0%
Husband, wife, 3 children, oldest 16-17	128%	128%	138%	0%
Husband, wife, 3 children, oldest 18 or over	119%	118%	124%	0%

Percentages to be Applied to the  
Total Cost of a Budget  
(excluding State and local income  
taxes and disability payments)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

One parent, 4 children 108% 117% 118% 0%

Six persons or more:

Husband, wife, 4 children  
or more, oldest under 6 98% 114% 115% 0%  
Husband, wife, 4 children  
or more, oldest 6-15 107% 130% 139% 0%  
Husband, wife, 4 children  
or more, oldest 16-17 146% 145% 147% 0%  
Husband, wife, 4 children  
or more, oldest 18 or over 149% 149% 150% 0%  
One parent, 5 children or more 124% 137% 138% 0%

The scale values shown here are percentages to be applied to the total cost of a budget (excluding State and local income taxes, and disability payments) for the base family (4 persons-husband, age 35-54, wife, 2 children, oldest child 6-15 years) to estimate the total income required to provide the same level of living for urban families of different size, age, and composition. In addition to the cost of goods and services for family consumption, the total budget costs include gifts and contributions, life insurance, occupational expenses, employee contribution for social security, and federal income taxes. Estimates of personal taxes paid to State and local governments and of payments for disability insurance may be added in those urban areas where applicable.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

Section 148.TABLE C List of Metropolitan Counties by SMSA Definition

"SMSA" means State Metropolitan Statistical Areas.

Boone	Champaign	Clinton	Cook	DuPage
Henry	Kane	Lake	Macon	Madison
McHenry	McLean	Menard	Monroe	Peoria
Rock Island	Sangamon	St. Clair	Tazewell	Will
Winnebago	Woodford			

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:  
140.490 Amendment  
140.491 Amendment  
140.492 Amendment  
140.493 Amendment  
140.494 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues: These proposed amendments to the Department's administrative rules concerning medical payment describe the non-emergency transportation prior approval process and add clarifications regarding current policies and non-employee transportation attendants. Department coverage is available for a non-employee attendant, who may be a family member or other individual, when certain circumstances warrant the medical need for such an attendant. The proposed amendments also include new Section 140.494 which describes record requirements for medical transportation services. These requirements are intended to provide clear record keeping requirements for transportation providers and to ensure that the record requirements are enforceable. Reports from the Department's Office of Inspector General have shown a high rate of payment discrepancies for medical transportation services, including overpayment for non-emergency transportation, as compared to other provider groups. These new provisions are expected to establish clear record keeping criteria for transportation services that will permit meaningful audit and review by the Department.

The Department anticipates that no additional expenditures will be necessitated on the basis of the proposed changes. However, the new record keeping requirements may reduce the instances of overpayment for medical transportation services.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.11	Amendment	July 6, 2001 (25 Ill. Reg. 8098)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.445	Amendment	June 29, 2001 (25 Ill. Reg. 7808)
140.447	Amendment	June 29, 2001 (25 Ill. Reg. 7808)
140.475	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.476	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.477	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.478	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.479	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.480	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.513	Amendment	August 24, 2001 (25 Ill. Reg. 10672)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Business that provides medical transportation services, including ambulances, medicar vehicles, helicopters, taxicabs and common carriers, will be affected by this proposed

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

rulemaking. The Department is unsure whether any of the affected entities may qualify as small businesses.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: July 2001

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMSPART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
- 140.20 Submittal of Claims
- 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits

- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation

- 140.33 Publication of List of Terminated, Suspended or Barred Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained

- 140.55 Recipient Eligibility Verification (REV) System
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
- 140.72 Voucher Advance Payment and Expedited Payments
- 140.73 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

## Section

- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)
- 140.97 Special Requirements (Recodified)
- 140.98 Covered Hospital Services (Recodified)
- 140.99 Hospital Services Not Covered (Recodified)
- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)



DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.361 Non-Participating Hospitals (Recodified)  
 140.362 Pre July 1, 1989 Services (Recodified)  
 140.363 Post June 30, 1989 Services (Recodified)  
 140.364 Prepayment Review (Recodified)  
 140.365 Base Year Costs (Recodified)  
 140.366 Restructuring Adjustment (Recodified)  
 140.367 Inflation Adjustment (Recodified)  
 140.368 Volume Adjustment (Repealed)  
 140.369 Groupings (Recodified)  
 140.370 Rate Calculation (Recodified)  
 140.371 Payment (Recodified)  
 140.372 Review Procedure (Recodified)  
 140.373 Utilization (Repealed)  
 140.374 Alternatives (Recodified)  
 140.375 Exemptions (Recodified)  
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)  
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.391 Definitions (Recodified)  
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section  
 140.400 Payment to Practitioners  
 140.410 Physicians' Services  
 140.411 Covered Services By Physicians  
 140.412 Services Not Covered By Physicians  
 140.413 Limitation on Physician Services  
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians  
 140.416 Optometric Services and Materials  
 140.417 Limitations on Optometric Services  
 140.418 Department of Corrections Laboratory  
 140.420 Dental Services  
 140.421 Limitations on Dental Services  
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists  
 140.425 Podiatry Services  
 140.426 Limitations on Podiatry Services  
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry  
 140.428 Chiropractic Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.429 Limitations on Chiropractic Services (Repealed)  
 140.430 Independent Clinical Laboratory Services  
 140.431 Services Not Covered by Independent Clinical Laboratories  
 140.432 Limitations on Independent Clinical Laboratory Services  
 140.433 Payment for Clinical Laboratory Services  
 140.434 Record Requirements for Independent Clinical Laboratories  
 140.435 Advanced Practice Nurse Services  
 140.436 Limitations on Advanced Practice Nurse Services  
 140.438 Imaging Centers  
 140.440 Pharmacy Services  
 140.441 Pharmacy Services Not Covered  
 140.442 Prior Approval of Prescriptions  
 140.443 Filling of Prescriptions  
 140.444 Compounded Prescriptions  
 140.445 Legend Prescription Items (Not Compounded)  
 140.446 Over-the-Counter Items  
 140.447 Reimbursement  
 140.448 Returned Pharmacy Items  
 140.449 Payment of Pharmacy Items  
 140.450 Record Requirements for Pharmacies  
 140.451 Prospective Drug Review and Patient Counseling  
 140.452 Mental Health Clinic Services  
 140.453 Definitions  
 140.454 Types of Mental Health Clinic Services  
 140.455 Payment for Mental Health Clinic Services  
 140.456 Hearings  
 140.457 Therapy Services  
 140.458 Prior Approval for Therapy Services  
 140.459 Payment for Therapy Services  
 140.460 Clinic Services  
 140.461 Clinic Participation, Data and Certification Requirements  
 140.462 Covered Services in Clinics  
 140.463 Clinic Service Payment  
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)  
 140.465 Speech and Hearing Clinics (Repealed)  
 140.466 Rural Health Clinics  
 140.467 Independent Clinics  
 140.469 Hospice  
 140.470 Home Health Services  
 140.471 Home Health Covered Services  
 140.472 Types of Home Health Services  
 140.473 Prior Approval for Home Health Services  
 140.474 Payment for Home Health Services  
 140.475 Medical Equipment, Supplies and Prosthetic Devices  
 140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made  
 140.477 Limitations on Equipment, Supplies and Prosthetic Devices  
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.479 Limitations, Medical Supplies  
140.480 Equipment Rental Limitations  
140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids  
140.482 Family Planning Services  
140.483 Limitations on Family Planning Services  
140.484 Payment for Family Planning Services  
140.485 Healthy Kids Program  
140.486 Limitations on Medichuk Services (Repealed)  
140.487 Healthy Kids Program Timeliness Standards  
140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures  
140.490 Medical Transportation  
140.491 Limitations on Medical Transportation  
140.492 Payment for Medical Transportation  
140.493 Payment for Helicopter Transportation  
140.494 Record Requirements for Medical Transportation Services  
140.495 Psychological Services  
140.496 Payment for Psychological Services  
140.497 Hearing Aids

SUBPART E: GROUP CARE

Section  
140.500 Long Term Care Services  
140.502 Cessation of Payment at Federal Direction  
140.503 Cessation of Payment for Improper Level of Care  
140.504 Cessation of Payment Because of Termination of Facility  
140.505 Informal Hearing Process for Denial of Payment for New ICF/MR Admissions  
140.506 Provider Voluntary Withdrawal  
140.507 Continuation of Provider Agreement  
140.510 Determination of Need for Group Care  
140.511 Long Term Care Services Covered by Department Payment  
140.512 Utilization Control  
140.513 Utilization Review Plan (Repealed)  
140.514 Certifications and Recertifications of Care  
140.515 Management of Recipient Funds--Personal Allowance Funds  
140.516 Recipient Management of Funds  
140.517 Correspondent Management of Funds  
140.518 Facility Management of Funds  
140.519 Use or Accumulation of Funds  
140.520 Management of Recipient Funds--Local Office Responsibility  
140.521 Room and Board Accounts  
140.522 Reconciliation of Recipient Funds  
140.523 Bed Reserves  
140.524 Cessation of Payment Due to Loss of License  
140.525 Quality Incentive Program (QUIP) Payment Levels

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)  
140.527 Quality Incentive Survey (Repealed)  
140.528 Payment of Quality Incentive (Repealed)  
140.529 Reviews (Repealed)  
140.530 Basis of Payment for Long Term Care Services  
140.531 General Service Costs  
140.532 Health Care Costs  
140.533 General Administration Costs  
140.534 Ownership Costs  
140.535 Costs for Interest, Taxes and Rent  
140.536 Organization and Pre-Operating Costs  
140.537 Payments to Related Organizations  
140.538 Special Costs  
140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation  
140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations  
140.541 Salaries Paid to Owners or Related Parties  
140.542 Cost Reports-Filing Requirements  
140.543 Time Standards for Filing Cost Reports  
140.544 Access to Cost Reports (Repealed)  
140.545 Penalty for Failure to File Cost Reports  
140.550 Update of Operating Costs  
140.551 General Service Costs  
140.552 Nursing and Program Costs  
140.553 General Administrative Costs  
140.554 Component Inflation Index  
140.555 Minimum Wage  
140.560 Components of the Base Rate Determination  
140.561 Support Costs Components  
140.562 Nursing Costs  
140.563 Capital Costs  
140.565 Koshier Kitchen Reimbursement  
140.566 Out-of-State Placement  
140.567 Level II Incentive Payments (Repealed)  
140.568 Duration of Incentive Payments (Repealed)  
140.569 Clients With Exceptional Care Needs  
140.570 Capital Rate Component Determination  
140.571 Capital Rate Calculation  
140.572 Total Capital Rate  
140.573 Other Capital Provisions  
140.574 Capital Rates for Rented Facilities  
140.575 Newly Constructed Facilities (Repealed)  
140.576 Renovations (Repealed)  
140.577 Capital Costs for Rented Facilities (Renumbered)  
140.578 Property Taxes



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.579 Specialized Living Centers  
 140.580 Mandated Capital Improvements (Repealed)  
 140.581 Qualifying as Mandated Capital Improvement (Repealed)  
 140.582 Cost Adjustments  
 140.583 Campus Facilities  
 140.584 Illinois Municipal Retirement Fund (IMRF)  
 140.590 Audit and Record Requirements  
 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services  
 140.643 In-Home Care Program  
 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21  
 140.646 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities  
 140.647 Description of Developmental Training (DT) Services  
 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs  
 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs  
 140.650 Certification of Developmental Training (DT) Programs  
 140.651 Decertification of Day Programs  
 140.652 Terms of Assurances and Contracts  
 140.680 Effective Date Of Payment Rate  
 140.700 Discharge of Long Term Care Residents  
 140.830 Appeals of Rate Determinations  
 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

## SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

Section  
 140.850 Reimbursement of Administrative Expenditures  
 140.855 Administrative Claim Review and Reconsideration Procedure  
 140.860 Covered Services (Repealed)  
 140.865 Sponsor Qualifications (Repealed)  
 140.870 Sponsor Responsibilities (Repealed)  
 140.875 Department Responsibilities (Repealed)  
 140.880 Provider Qualifications (Repealed)  
 140.885 Provider Responsibilities (Repealed)  
 140.890 Payment Methodology (Repealed)  
 140.895 Contract Monitoring (Repealed)  
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)  
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)  
 140.901 Functional Areas of Needs (Recodified)  
 140.902 Service Needs (Recodified)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.903 Definitions (Recodified)  
 140.904 Times and Staff Levels (Repealed)  
 140.905 Statewide Rates (Repealed)  
 140.906 Reconsiderations (Recodified)  
 140.907 Midnight Census Report (Recodified)  
 140.908 Times and Staff Levels (Recodified)  
 140.909 Statewide Rates (Recodified)  
 140.910 Referrals (Recodified)  
 140.911 Basic Rehabilitation Aide Training Program (Recodified)  
 140.912 Interim Nursing Rates (Recodified)

Section  
 140.920 General Description  
 140.922 Covered Services  
 140.924 Maternal and Child Health Provider Participation Requirements  
 140.926 Client Eligibility (Repealed)  
 140.928 Client Enrollment and Program Components (Repealed)  
 140.930 Reimbursement  
 140.932 Payment Authorization for Referrals (Repealed)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section  
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)  
 140.942 Definition of Terms (Recodified)  
 140.944 Notification of Negotiations (Recodified)  
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)  
 140.948 Negotiation Procedures (Recodified)  
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)  
 140.952 Closing an ICARE Area (Recodified)  
 140.954 Administrative Review (Recodified)  
 140.956 Payments to Contracting Hospitals (Recodified)  
 140.958 Admitting and Clinical Privileges (Recodified)  
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)  
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)  
 140.964 Contract Monitoring (Recodified)  
 140.966 Transfer of Recipients (Recodified)  
 140.968 Validity of Contracts (Recodified)  
 140.970 Termination of ICARE Contracts (Recodified)  
 140.972 Hospital Services Procurement Advisory Board (Recodified)

TABLE A  
 Medichex Recommended Screening Procedures (Repealed)





## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days, emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective August 31, 2001; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section 140.490 Medical Transportation

- a) Payment for medical transportation shall be made to an individual, or public, or private or not-for-profit transportation carrier, whose operators are properly licensed, who provides the appropriate form of transportation and who bills and receives payment from the general public and other third party payors (except for private autos pursuant to subsection (a)(5) of this Section). Eligible providers to be considered for payment include:
- 1) Ambulance providers who hold a valid license, permit or certification from the state where the business is headquartered or from the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law [625 ILCS 5/3-401] and Section 8-101 of the Illinois Vehicle Code [625 ILCS 5/8-101]) and pass health/safety inspections annually by the Department of Public Health (see ~~Section 9-9~~ of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50/9]). Out-of-state ambulance providers who provide services within Illinois must be in compliance with the EMS Systems Act [210 ILCS 50]. Vehicles operated by municipalities must meet the certification requirements contained in 77 Ill. Adm. Code 535, Subpart C, by July 1, 1987. The Department will grant exceptions to this requirement if the municipality can demonstrate that the Illinois Department of Public Health has granted a waiver or exception to such requirements.
  - 2) Medicar vehicles licensed by the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or that hold a valid license, permit or certification from the state where the



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- business is headquartered.
- 3) Taxicabs licensed by the Secretary of State and where applicable by local regulatory agencies (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or that hold a valid license, permit or certification from the state where the business is headquartered.
  - 4) Service cars licensed as livery cars by the Secretary of State and where applicable by local regulatory agencies (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or that hold a valid license, permit or certification from the state where the business is headquartered.
  - 5) Private automobiles ~~auto~~ licensed by the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or licensed in the state of the owner's residence ~~a valid license from the state of residence.~~
  - 6) Helicopter providers who hold a valid license from the State of Illinois issued under the authority of the State of Illinois Department of Public Health, or are licensed in the state where services are provided.
  - 7) Other modes of transportation such as buses, trains and commercial airplanes ~~(bus, train, airplane, etc.)~~.
- b) Except as provided in subsection (c) of this Section, payment ~~for medical transportation~~ shall be made when ~~transportation~~ ~~transportation~~ is provided for an eligible recipient to or from a source of medical care. Medical care is defined as any medically necessary medical service covered under the Medical Assistance Program. Payment for transportation ~~transportation~~ will be made even when a ~~provided for covered medical services--even--when--the--medical~~ service is provided free of charge or is reimbursed by a third party (for example, services provided by ~~such as~~ the U.S. Department of Veterans' Affairs ~~Veteran's Administration~~).
- c) Payment ~~shall not be made~~ for medical transportation shall not be made when: ~~a cost-free means of transportation is available.~~
- 1) A means of transportation to the source of medical care is available free of charge;
  - 2) The transportation is for the purpose of filling a prescription or obtaining medical supplies, equipment or any other pharmacy related item; or
  - 3) Proper prior or post approval authorization has not been made by the Department or its authorized agent.
- d) When more than one passenger requiring medical services is transported, payment for the first passenger will be at the full rate including mileage, base rate and ancillaries, if provided; payment for the second or additional passengers requiring medical services will be at only the base rate and ancillaries, if provided.
- e) Coverage for an employee attendant and a non-employee attendant.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 1) For the purposes of this subsection (e):
  - A) "Employee attendant" means a person, other than the driver, who is an employee of a medicar company.
  - B) "Non-employee attendant" means a family member or other individual who may accompany the patient when there is a medical need for such an attendant.
- 2) The Department will pay for an attendant to accompany an eligible patient to and from the source of a covered medical service, by a medicar, a service car or a taxicab, when the circumstances constitute one of the following medical necessities:
  - A) To accompany the patient to a medical provider when needed, such as a parent going with a child to the doctor or when an attendant is needed to assist the patient;
  - B) To participate in the patient's treatment when medically necessary; or
  - C) To learn to care for the patient after discharge from the hospital.
- 3) A physician's statement is required to verify the medical necessity. The Department does not pay for transportation of family members to visit a hospitalized patient.
- The use of an attendant is subject to prior approval in all situations except for the non-emergency trips described in Section 140.491(b)(2). In the instances that prior approval is not required for an attendant, medical necessity must be documented in the record. The Department's authorized prior approval agent may require documentation of medical necessity. A medicar company may bill for the services of an employee and a non-employee attendant. Billings for the services of an employee attendant and a non-employee attendant are allowable when such services are rendered during a single trip. Service car and taxicab providers may receive payment only for a non-employee attendant.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.491 Limitations on Medical Transportation

- a) For ~~in-order-for~~ payment to be made, the transportation ~~service~~ ~~provided~~ must be to the nearest available and appropriate provider, by the least expensive mode that ~~type--which~~ is adequate to meet the individual's need. When public transportation is available and is a practical form of transportation, payment will not be made for a more expensive mode of transportation.
- b) Approval from the Department, or its authorized agent, is required prior to providing transportation to and from the source of medical care, except:
  - 1) For transportation provided by an ambulance in emergency

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

situations.

- 2) For individuals residing in a long term care facility.
- 3) For transportation provided by an ambulance for an individual who is transported from one hospital to a second hospital for services not available at the sending hospital.
- 4) For transportation provided by a helicopter when it is demonstrated to be medically necessary as indicated by the written order of the responsible physician in an emergency situation. An emergency may include, but is not limited to:
  - A) life threatening medical conditions;
  - B) severe burns requiring treatment in a burn center;
  - C) multiple trauma;
  - D) cardiogenic shock; and
  - E) high-risk neonates.

c) An on-going prior approval, with a duration of up to 60 days, may be obtained when subsequent trips to the same medical source are required. When prior approval is sought for subsequent trips to the same medical service, the client's physician or other medical provider must supply the Department, or its authorized agent, with a brief written statement describing the nature of the medical need, the necessity for on-going visits, already established appointment dates and the number and expected duration of the required on-going visits. An on-going approval, with a duration of up to six months, may be obtained when subsequent trips to the same medical source are required.

d) If it is not possible to obtain prior approval for non-emergency transportation, post approval must be requested from the Department or its authorized agent.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.492 Payment for Medical Transportation

Payment for medical transportation services shall be made in accordance with the methodologies outlined in this Section. Base rate reimbursement is determined by the county in which the vehicle is, or the vehicles are, based. In no case shall rates exceed the Medicare allowable, where applicable, or the rates charged to the general public.

- a) Medicare shall be paid a base rate, mileage rate and a fixed amount for nonroutine services such as a salaried or non-salaried attendant (e.g., an additional attendant). Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.
- b) Service cars shall be paid a base rate, and a mileage rate and a fixed amount for a non-salaried attendant. Loaded miles after ten miles (20 miles round trip) shall be reimbursed.
- c) Private autos shall be paid for loaded miles at a mileage rate.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- d) Payment for transportation services provided by common carrier, such as ~~fe-g-r~~ air lines, buses and ~~r~~ trains, ~~r~~ shall be at the usual community rate. ~~Taxicabs shall be reimbursed at the community rate, if in an area regulated by a municipality or township. Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department. This rate will be effective July 1, 1992, and will be reviewed on an annual basis each July.~~
- e) Taxicabs in an area regulated by a municipality or township shall be reimbursed at the community rate and a fixed amount for a non-salaried attendant.
- f) Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department and a fixed amount for a non-salaried attendant. The Department rate shall be reviewed on an annual basis each July.

g) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at base, mileage rate (loaded miles) and a rate for oxygen, as appropriate. Payment shall also be made for Advanced Life Support (ALS) at an all inclusive rate which includes the base rate, supplies, and all other services, excluding mileage. However, for ALS services provided on or after July 1, 1993, separate reimbursement shall be made for oxygen when used and appropriately billed. Loaded miles for ALS trips shall be reimbursed at the per mile rate. Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (e)(1) through (4) of this Section. Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.

1) Payment shall be made at a basic rate which is provider specific. The basic rate shall be the lesser of the provider's usual and customary charge to the general public (as reflected on the provider's claim form), or 80 percent of the 50th percentile of the Medicare prevailing charge for Basic Life Support for the designated Medicare Locality, except that any basic rate previously approved by the Department that which exceeds these parameters shall remain in force. The rate of annual increase shall not exceed five percent.

2) Payment for loaded miles ~~is~~ ~~those miles for which the provider is actually transporting an individual~~ shall be at a rate per mile. If a natural disaster, or weather or other conditions necessitate the use of a route other than the most direct route, reimbursement will be based on the actual distance travelled. The rate per mile shall be 50 percent of the 50th percentile of the Medicare prevailing mileage charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent.

3) Payment for oxygen shall be made at a flat rate statewide. The rate shall be 50 percent of the 50th percentile of the Medicare



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

prevailing charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent.

- 4) Payment for Advanced Life Support services shall be at the lesser of the provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80 percent of the difference between the Medicare 50th percentile prevailing charge for Basic Life Support services and Advanced Life Support services for Medicare Locality 16. The annual rate of increase shall not exceed five percent.

h) Payment for medical transportation services provided by individuals, including those currently receiving public assistance, legally responsible relatives, or household members will be made at a loaded mileage rate.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.493 Payment for Helicopter Transportation

Payment for helicopter transportation services shall be made in accordance with the methodologies outlined in this Section. In no case shall rates exceed the Medicare allowable, where applicable, or the rates charged to the general public. The Department shall pay for medically necessary helicopter transportation services provided in accordance with Section 140.491(b)(4) at an all inclusive rate that includes base rate, mileage, supplies and all other services.

a) ~~The Department shall pay for medically necessary helicopter transportation services provided in accordance with Section 140.491 at an all inclusive rate which includes base rate, mileage, supplies, and all other services.~~

a) Helicopter transportation providers will be reimbursed a maximum rate per trip or the usual and customary charges, whichever is less, if the service is rendered by providers who own the helicopter and provide their own transport team.

b) If a hospital provides the transport team but does not own the helicopter, the Department will equally divide the established reimbursement rate or the usual and customary charges of the provider, whichever is less, between the hospital and the helicopter provider.

c) Hospitals that own their own helicopter and report its costs on their cost reports will not be paid for helicopter transportation services.

d) The Department shall not cover the services of helicopter transportation providers that have entered into payment agreements with receiving facilities.

e) Helicopter transportation claims that are denied because the patient does not meet the medically necessary criteria (see Section 140.491(b)(1)), but does meet emergency ground transportation criteria, will be reimbursed by the Department at the appropriate ground rate.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.494 Record Requirements for Medical Transportation Services

a) The record must, at a minimum, contain a dispatcher's log and individual trip tickets that document:

- 1) Identification of the client (name, address and client number);
- 2) Name and address or facility name of person or entity requesting service;

- 3) A copy of the Transportation Invoice;

- 4) Identification of the type of vehicle used (for example, ambulance, medicar, service car) and the vehicle's license plate number; and

- 5) The name of the driver and attendant, if applicable.

b) The trip ticket must document medical necessity for the following:

- 1) Non-emergency transportation that does not require prior approval;

- 2) Use of an ambulance;

- 3) Administration of oxygen;

- 4) Use of an attendant by a medicar, service car or a taxicab company; and

- 5) Use of a stretcher by a medicar.

c) Advanced Life Support transportation services must also maintain a copy of the Emergency Medical Services Run Sheets or other forms as required by the Illinois Department of Public Health.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: 100.2199  
Proposed Action:  
New Section
- 4) Statutory Authority: 35 ILCS 5/212
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides guidance for claiming the earned income tax credit provided in IITA Section 212.
- 6) Will this proposed amendment replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.2101	Amendment	8/24/01, 25 Ill. Reg. 10711
100.5270	Amendment	8/31/01, 25 Ill. Reg. 11035
100.2163	New Section	9/07/01, 25 Ill. Reg. 11340
100.7010	Amendment	9/14/01, 25 Ill. Reg. 11741
100.2170	Amendment	9/21/01, 25 Ill. Reg. 12076
100.2198	New Section	9/28/01, 25 Ill. Reg. 12388

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Paul Caselton  
Deputy General Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-7055

- 12) Initial Regulatory Flexibility Analysis:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

Section  
100.2000 Introduction  
100.2050 Net Income (IIITA Section 202)

## SUBPART B: CREDITS

Section  
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IIITA 201(e))  
100.2101 Replacement Tax Investment Credit (IIITA 201(e))  
100.2110 Investment Credit; Enterprise Zone (IIITA 201(f))  
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IIITA 201(g))  
100.2130 Investment Credit; High Impact Business (IIITA 201(h))  
100.2140 Credit Against Income Tax for Replacement Tax (IIITA 201(i))  
100.2150 Training Expense Credit (IIITA 201(j))  
100.2160 Research and Development Credit (IIITA 201(k))  
100.2165 Education Expense Credit (IIITA 201(m))  
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IIITA 206)  
100.2180 Credit for Residential Real Property Taxes (IIITA 208)  
100.2195 Dependent Care Assistance Program Tax Credit (IIITA 210)  
100.2199 Illinois Earned Income Tax Credit (IIITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
OCCURRING PRIOR TO DECEMBER 31, 1986

Section  
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IIITA Section 202) - Scope  
100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IIITA Section 202) - Definitions  
100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IIITA Section 202) - Current Net Operating Losses; Offsets Between Members  
100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

100.2240 Business Group: (IIITA Section 202) - Carrybacks and Carryforwards Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IIITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income  
100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IIITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER  
DECEMBER 31, 1986

Section  
100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986  
100.2310 Computation of the Illinois Net Loss Deduction  
100.2320 Determination of the Amount of Illinois Net Loss Carryovers  
100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring on or After December 31, 1986  
100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns  
100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,  
CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section  
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IIITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))  
100.2480 Enterprise Zone Dividend Subtraction (IIITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

## SUBPART F: BASE INCOME OF INDIVIDUALS

Section  
100.2580 Medical Care Savings Accounts (IIITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))  
100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

## SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section  
100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section  
100.3000 Terms Used in Article 3 (IITA Section 301)  
100.3010 Business and Nonbusiness Income (IITA Section 301)  
100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section  
100.3100 Compensation (IITA Section 302)  
100.3110 State (IITA Section 302)  
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section  
100.3200 Taxability in Other State (IITA Section 303)  
100.3210 Commercial Domicile (IITA Section 303)  
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section  
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)  
100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General  
100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment (Repealed)  
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation  
100.3340 Business Income of Persons Other Than Residents (IITA Section 304)  
100.3350 Property Factor (IITA Section 304)  
100.3360 Payroll Factor (IITA Section 304)  
100.3370 Sales Factor (IITA Section 304)  
100.3380 Special Rules (IITA Section 304)  
100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

100.5000 Time for Filing Returns: Individuals (IITA Section 505)  
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)  
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)  
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)  
100.5040 Innocent Spouses

SUBPART O: COMPOSITE RETURNS

Section  
100.5100 Composite Returns: Eligibility  
100.5110 Composite Returns: Responsibilities of Authorized Agent  
100.5120 Composite Returns: Individual Liability  
100.5130 Composite Returns: Required forms and computation of Income  
100.5140 Composite Returns: Estimated Payments  
100.5150 Composite Returns: Tax, Penalties and Interest  
100.5160 Composite Returns: Credit for Resident Individuals  
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section  
100.5200 Filing of Combined Returns  
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns  
100.5205 Election to File a Combined Return  
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns  
100.5220 Designated Agent for the Members  
100.5230 Combined Estimated Tax Payments  
100.5240 Claims for Credit of Overpayments  
100.5250 Liability for Combined Tax, Penalty and Interest  
100.5260 Combined Amended Returns  
100.5265 Common Taxable Year  
100.5270 Computation of Combined Net Income and Tax  
100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section  
100.7000 Requirement of Withholding (IITA Section 701)  
100.7010 Compensation Paid in this State (IITA Section 701)  
100.7020 Transacting Business Within this State (IITA Section 701)  
100.7030 Payments to Residents (IITA Section 701)  
100.7040 Employer Registration (IITA Section 701)  
100.7050 Computation of Amount Withheld (IITA Section 701)  
100.7060 Additional Withholding (IITA Section 701)



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

100.7070 Voluntary Withholding (IITA Section 701)  
 100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)  
 100.7090 Reciprocal Agreement (IITA Section 701)  
 100.7095 Cross References

## SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section  
 100.7100 Withholding Exemption (IITA Section 702)  
 100.7110 Withholding Exemption Certificate (IITA Section 702)  
 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

## SUBPART S: INFORMATION STATEMENT

Section  
 100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section  
 100.7300 Returns of Income Withheld from Wages (IITA Section 704)  
 100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)  
 100.7320 Time for Filing Returns (IITA Section 704)  
 100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)  
 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

## SUBPART U: COLLECTION AUTHORITY

Section  
 100.9000 General Income Tax Procedures (IITA Section 901)  
 100.9010 Collection Authority (IITA Section 901)  
 100.9020 Child Support Collection (IITA Section 901)

## SUBPART V: NOTICE AND DEMAND

Section  
 100.9100 Notice and Demand (IITA Section 902)

## SUBPART W: ASSESSMENT

Section  
 100.9200 Assessment (IITA Section 903)  
 100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

## SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

100.9300 Deficiencies and Overpayments (IITA Section 904)  
 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)  
 100.9320 Limitations on Notices of Deficiency (IITA Section 905)  
 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART Y: CREDITS AND REFUNDS

Section  
 100.9400 Credits and Refunds (IITA Section 909)  
 100.9410 Limitations on Claims for Refund (IITA Section 911)  
 100.9420 Recovery of Erroneous Refund (IITA Section 912)

## SUBPART Z: INVESTIGATIONS AND HEARINGS

Section  
 100.9500 Access to Books and Records (IITA Section 913)  
 100.9505 Access to Books and Records -- 60-Day Letters (IITA Section 913) (Repealed)  
 100.9510 Taxpayer Representation and Practice Requirements  
 100.9520 Conduct of Investigations and Hearings  
 100.9530 Books and Records

## SUBPART AA: JUDICIAL REVIEW

Section  
 100.9600 Administrative Review Law (IITA Section 1201)

## SUBPART BB: DEFINITIONS

Section  
 100.9700 Unitary Business Group Defined (IITA Section 1501)  
 100.9710 Financial Organizations (IITA Section 1501)  
 100.9720 Nexus

## SUBPART CC: LETTER RULING PROCEDURES

Section  
 100.9800 Letter Ruling Procedures

APPENDIX A Business Income Of Persons Other Than Residents

TABLE A Example of Unitary Business Apportionment

TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 15, 2001; amended

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: CREDITS

Section 100.2199 Illinois Earned Income Tax Credit (IITA 212)

- a) For taxable years beginning on or after January 1, 2000 and ending on or before December 31, 2002, an individual shall be allowed a credit against the tax imposed by IITA Section 201(a) and (b) for the taxable year equal to 5% of the federal earned income tax credit allowed for such taxable year pursuant to IRC Section 32. (IITA Section 212(a))
- b) The credit allowed for the taxable year may not reduce the taxpayer's liability under this Act to less than zero. Therefore, no part of the credit is refundable in the event the tax liability of the taxpayer is reduced to zero. (IITA Section 212(b)) Excess credit may not be carried over to other tax years.
- c) In the case of a nonresident or part-year resident, the Illinois earned income tax credit shall be equal to 5% of that portion of the federal earned income tax credit allowed pursuant to Section 32 of the IRC that bears the same ratio as the taxpayer's base income allocable to Illinois bears to the taxpayer's base income everywhere.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Number: 1030.89  
Proposed Action: Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I].

5) A complete Description of the Subjects and Issues Involved: The Office of the Secretary of State is adopting new policies to increase security measures for fighting and preventing attempts by individuals to obtain temporary driver's licenses and instruction permits for the purpose of committing fraud.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Number	Action	Ill. Reg. Citation
1030.APP A.	Amendment	25 Ill. Reg. 7547 (June 22, 2001)
1030.APP.B.	Amendment	25 Ill. Reg. 7547 (June 22, 2001)

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert W. Mueller  
Assistant General Counsel  
2701 South Dirksen Parkway  
Springfield, IL 62723  
217-782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Secretary of State feels this proposed rulemaking will have no affect on any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

13) Regulatory agenda on which this rulemaking was included: July 2001

The full text of the proposed amendment is identical to the text of the Emergency rule appearing on page 12569 in this issue of the Illinois Register.

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Signing to Traffic Generators and Motorist Services

2) Code Citation: 92 Ill. Adm. Code 552

3) Section Numbers: 552.10, 552.20, 552.30, 552.40, 552.50, TABLE A, TABLE B, TABLE C, TABLE D

Proposed Action: Repeal, Repeal, Repeal, Repeal, Repeal, Repeal, Repeal, Repeal

4) Statutory Authority: Implementing Article III of Chapter II of the Illinois Vehicle Code (Ill. Rev. Stat. 1981, ch. 95 1/2, pars. 11-301 et seq.) and Section 4-201.12 of the Illinois Highway Code (Ill. Rev. Stat. 1981, ch. 121, par. 4-201.12) and authorized by Sections 4-101.1, 4-201.1 and 504.08 of the Illinois Highway Code (Ill. Rev. Stat. 1981, ch. 121, par. 4-101.1, 4-201.1 and 504.08).

5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to repeal Part 552 because the requirements for this type of signing are covered by other Department rules and by the Manual on Uniform Traffic Control Devices (the MUTCD).  
  
After careful analysis, the Department determined there is no express authority for the type of signing covered by this Part. Moreover, a significant portion of the rule has been superseded by the Department's rules found at 92 Ill. Adm. Code 541, Tourist Oriented Directional Signing Program and 92 Ill. Adm. Code 542, Business Logo Signing Program. Further, since the Manual on Uniform Traffic Control Devices was used to prepare Part 552 and those requirements still exist in the MUTCD, the provisions of the MUTCD along with Parts 541 and 542 adequately cover the Department for this type of signing. Therefore, the Department is proposing to repeal this Part in its entirety.

6) Will this proposed rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed repealer will not
- affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:  
  
Mr. Joe Hill, Chief, Engineer of Operations  
Illinois Department of Transportation  
Division of Highways  
2300 South Dirksen Parkway, Room 009  
Springfield, Illinois 62764  
(217) 782-7231

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:  
  
Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:  
  
A) Types of small businesses, small municipalities and not for profit corporations affected: None  
  
B) Reporting, bookkeeping or other procedures required for compliance: None  
  
C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Repealer begins on the next page:



DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER f: HIGHWAYS

PART 552

SIGNING TO TRAFFIC GENERATORS AND MOTORIST SERVICES (REPEALED)

Section

552.10 Introduction  
552.20 Definitions  
552.30 General  
552.40 Signing on Conventional Highways  
552.50 Signing on Freeways

TABLE A CONVENTIONAL HIGHWAY: TRAFFIC GENERATOR CRITERIA

TABLE B CONVENTIONAL HIGHWAY: MOTORIST SERVICES CRITERIA

TABLE C FREEWAY: TRAFFIC GENERATOR CRITERIA

TABLE D FREEWAY: MOTORIST SERVICES CRITERIA

AUTHORITY: Implementing Article III of Chapter II of the Illinois Vehicle Code (Ill. Rev. Stat. 1981, ch. 95 1/2, pars. 11-301 et seq.) and Section 4-201.12 of the Illinois Highway Code (Ill. Rev. Stat. 1981, ch. 121, par. 4-201.12) and authorized by Sections 4-101.1, 4-201.1 and 504.08 of the Illinois Highway Code (Ill. Rev. Stat. 1981, ch. 121, pars. 4-101.1, 4-201.1 and 504.08).

SOURCE: Filed March 8, 1976; codified at 7 Ill. Reg. 9939; Part repealed at 8 Ill. Reg. 6830, effective May 3, 1984; new Part adopted at 8 Ill. Reg. 7007, effective May 3, 1984; repealed at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 552.10 Introduction

This Part has been developed to regulate and ensure the consistent use of supplemental guide signs for traffic generators and motorist services. This Part applies to all State-maintained highways, including both freeways and conventional highways. Since freeways and conventional highways present different traveling characteristics to the motorist, this Part includes a separate Section for each type of highway (see Section 552.40, Signing on Conventional Highways and Section 552.50 Signing on Freeways).

Section 552.20 Definitions

The following words or phrases when used in this Part shall have the meanings ascribed to them below.

"Action Line"--that portion of the sign message giving directional information to the motorist.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

"Advance"--a sign is ahead or in advance of another when it is at a greater distance than the other from the crossroad or intersection being signed for.

"Conventional Highways"--all State highways that do not have full access control or grade separated interchanges.

"Freeways"--those State highways with full access control, together with those sections where the highway has grade separated interchanges.

"Guide Sign"--a sign that shows route designations, destinations, directions, distances, services, points of interest and other geographical, recreational, or cultural information.

"Highways"--any public way for purposes of vehicular travel, including the entire area within the right of way.

"Interchange"--a system of interconnecting roadways providing for the movement of traffic between two roadways on different levels.

"Motorist Service"--a facility, as classified in Table B or D of this Part, that offers information or a service directly related to the motorists' needs.

"Ramp Terminal"--that point at which a ramp from a freeway ends at its connecting roadway.

"Traffic Generator"--any land use development, as classified in Table A or C of this Part, that serves as the destination for motor vehicle trips.

Section 552.30 General

- a) Need for Supplemental Signing. Primary guide signs are used to inform motorists of certain communities located along or within a reasonable distance on either side of a highway. It is frequently desirable to also inform them of major traffic generators and certain motorist services in the area. Information relating to those developments that generate a large volume of nonrepetitive traffic foreign to the area are shown on supplemental guide signs when they meet the required criteria outlined in this Part.
- b) Purpose of Criteria and Limitations.

- 1) Criteria are necessary for determining which traffic generators and motorist services are displayed on supplemental guide signs so that the facilities shown are the ones generating the greatest need for information on the part of motorists unfamiliar with an area. Such criteria must also limit the number of signs

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED REPEALER

installed, thereby minimizing the confusion that may occur when motorists are presented more information than they can rapidly comprehend. It also assures fair and consistent treatment of requests for signing to such facilities.

- 2) The establishment of criteria, however, does not mean that information concerning all facilities which meet the criteria will automatically be shown on supplemental guide signs. Signing for traffic generators and motorist services is considered as secondary to basic regulatory, warning, and directional signing. Therefore, before a supplemental guide sign for a traffic generator or motorist service is installed by the Department, sufficient longitudinal space along the highway must exist to accommodate the placement of the sign without interfering or conflicting with other necessary traffic control devices. Consideration will also be given to such factors as the space available along highways and the congestion of the area.

- 3) Signing for a motorist service or traffic generator, which qualifies under the criteria in Table A, B, C, or D of this Part, will be installed by the Department only after a request is received from an official of either type of facility.

- 4) Supplemental guide signs shall conform with the provisions of the Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code 546).

**Section 552.40 Signing on Conventional Highways**

- a) Traffic Generators. The following types of traffic generators are to be considered for signing on conventional highways: TRANSPORTATION FACILITIES, EDUCATIONAL INSTITUTIONS, CORRECTIONAL INSTITUTIONS, HEALTH CARE FACILITIES, RECREATIONAL and CULTURAL FACILITIES, HISTORICAL FACILITIES, GOVERNMENT FACILITIES, BUSINESS DISTRICTS, and DRIVER'S LICENSE STATIONS. The specific qualifying criteria for each type of traffic generator are shown in Table A. Those values that vary annually, such as student enrollment or annual attendance, shall be based upon the average value for the two previous years.

- 1) Criteria for Traffic Generator Signing.

- A) The management or operator of any traffic generator adjacent to, or in close proximity to, the highway shall be encouraged to erect a sign on the generator site directing traffic to the appropriate entrance(s). Such sign must be consistent with the State's billboard control laws (Ill. Rev. Stat. 1981, ch. 121, pars. 501 et seq.). Supplemental guide signs shall not be erected if the on-site sign can be viewed from the highway in sufficient time to make the necessary movement. In determining whether sufficient time exists, the Department will consider whether, between the time the sign is viewed and exiting the highway, the motorist would be able to perform such actions as changing

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED REPEALER

lanes, signaling, or exiting the highway at a proper speed. When the traffic generator does not abut the State highway, supplemental guide signs for the qualifying generator shall be erected in advance of the street or road that provides the most logical and convenient route to the facility. The distance from the intersection to the facility shall be no more than five road miles in rural areas or one road mile in urban areas. Information relating to the traffic generator shall not be displayed on a supplemental guide sign until signing has been installed along the intersecting minor road and other roads to adequately direct the motorist from the State highway to the facility. In determining whether there is adequate signing to direct the motorist from the State highway to the facility, the Department will consider such factors as the directness of the route, the miles involved, and the environment in which signs are installed.

- B) Information relating to more than three facilities shall not be displayed in advance of an intersection. In the event there are more than three qualifying traffic generators, the three facilities most necessary to the motorist shall be shown. In determining which signs are most necessary, the Department will consider such factors as the amount of traffic generated, closeness to the highway, and the ease of locating the facility.

- C) Supplemental guide signs for traffic generators shall not be shown with standard destination signs. A supplemental sign can be mounted on the same posts as a primary guide sign if the total number of primary destinations plus traffic generators does not exceed three. When mounted with the primary guide sign, the width of the supplemental sign shall not be greater than the width of the primary guide sign. It is permissible to mount required brown background signs, such as historical, recreational, or cultural facility signs, on the same posts as other primary or supplemental guide signs.

- D) Signing on conventional highways may also be necessary to guide motorists from freeways to traffic generators located away from the freeway. Criteria for this type of signing, often called "trailblazing," are included in Section 552.50.

- 2) Location of Signs. If a separate supplemental guide sign is erected, it shall be located at least 200 feet in advance of the primary guide sign, if one exists. If a primary guide sign is not present, the supplemental sign shall be placed 200 to 700 feet in advance of the intersection.

- 3) Sign Design. The legend and background colors shall be as shown in Table A. Signs normally carry the full name of the traffic generator(s) and appropriate arrow indications, however, appropriate abbreviations shall be considered.



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED REPEALER

- b) Motorist Services. The following types of motorist services are to be considered for signing on conventional highways: CAMPING FACILITIES, STATE POLICE and COUNTY SHERIFF HEADQUARTERS, HOSPITALS, and TOURIST INFORMATION CENTERS. The specific qualifying criteria for each type of motorist service are shown in Table B.

1) Criteria for Motorist Service Signing.

- A) GAS, FOOD, and LODGING facilities shall not be signed for on conventional highways, except where necessary to provide adequate directional information from freeway ramps where freeway motorist services signing has been provided. In determining whether adequate directional information is provided, the Department will consider factors which include, but are not limited to, the directness of the route, the miles involved, and the environment in which the signs are installed.

- B) Reference to a specific motorist service shall be removed at such time as that service is no longer available or fails to meet the criteria.

- 2) Location of Signs. The location of signing for motorist services shall conform to the requirements for traffic generator signs covered in Section 552.40(a). Hospital symbol signs for hospitals meeting the criteria established in Table B of this Part are to be located in advance of the intersection that provides the most direct and best route to the facility. In determining the most direct and best route, the Department will consider all relevant conditions including directness of the route, congestion of the route, speed of travel, length of travel, and ease of locating the facility.

- 3) Sign Design. Motorist services signs shall have a white legend on a blue background and all shall indicate only the type of service available and an appropriate arrow. Qualifying hospitals will be signed with a Hospital Symbol sign (see 92 Ill. Adm. Code 546), as opposed to the word message "HOSPITAL." The hospital name shall be displayed on a plate above the hospital symbol sign where two or more qualifying hospitals are served by the same route.

### Section 552.50 Signing on Freeways

- a) Traffic Generators. The following types of traffic generators are to be considered for signing on freeways: AIRPORTS, EDUCATIONAL INSTITUTIONS, MILITARY FACILITIES, GOVERNMENT FACILITIES, and HISTORICAL, RECREATIONAL, or CULTURAL FACILITIES. The specific criteria for each type of traffic generator are shown in Table C. Those values that vary annually, such as student enrollment or annual attendance, shall be based upon the average value for the two previous years.

- 1) Criteria for Traffic Generator Signing.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED REPEALER

- A) Along a freeway only one supplemental guide sign shall be provided in each direction of travel for a traffic generator. Signs for generators are to be located in advance of the interchanging roadway that provides the most direct and best route to the facility. In determining the most direct and best route, the Department will consider all relevant conditions including directness of route, speed of travel, length of travel, and ease of locating the facility.
- B) Information relating to more than two traffic generators shall not be displayed on supplemental guide signs in advance of an interchange. Both traffic generators shall be shown on a single supplemental guide sign installation. In the event there are more than two qualifying facilities, the two facilities that generate the greatest need for providing directional information to motorists shall have signs displayed. In determining which signs are most necessary, the Department will consider such factors as the amount of traffic generated, closeness to the highway, and ease of locating the facility.
- C) In no case shall information relating to traffic generators be displayed on a supplemental guide sign until signing has been installed along the interchanging minor road and other roads to adequately direct the motorist from the freeway to the facility. In determining whether there is adequate signing to direct the motorist from the State highway to the facility, the Department will consider such factors as the directness of the route, the miles involved, and the environment in which the signs are installed.
- D) Signing for a traffic generator that is open for a limited time period each year and that meets the annual criteria within a shorter time (such as a county fair) shall be displayed only on a temporary supplemental guide sign which is installed at the beginning and removed at the end of the limited period.
- E) Where interchanges are numbered, the interchange number (and suffix) shall be used for the action line. The message "NEXT RIGHT (LEFT)" shall be used where interchange numbers are not posted. At multiple exit interchanges, the sign legend for the traffic generators and exit information for the first exit shall be separated from the legend for the generators and exit information for the second exit by a horizontal border strip. The action line of the upper half shall show the exit number and suffix for the first exit, and the action line of the lower half shall show the exit number and suffix for the second exit. Where there are no numbers, the upper half of the multiple exit signs shall have the message "NEXT RIGHT (LEFT)" and the lower half shall be "SECOND RIGHT (LEFT)."

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED REPEALER

## 2) Location of Signs.

A) Supplemental guide signs for traffic generators shall normally be positioned between the "1 MILE" and "1/2 MILE" advance guide signs in advance of the interchange to which the sign applies. A supplemental guide sign shall be at least 1,000 feet from the nearest primary guide sign in rural areas.

B) At single exit interchanges, signs shall also be erected on the ramps to direct motorists to the facilities unless they are visible from the ramp terminal. This information shall either be combined with the standard ramp directional sign or installed separately in advance of the standard sign.

3) Sign Design. The legend and background colors shall be as shown in Table C. Signs normally carry the full name of the traffic generator and appropriate directional indications, however, appropriate abbreviations shall be considered.

b) Motorist Services. GAS, FOOD, LODGING, and CAMPING are the primary services requiring freeway signing. Signs shall be installed if any of the four services are available within the area served by the interchange and meet the criteria listed in Table D. The sign for GAS, FOOD, LODGING, and CAMPING shall be considered as one service sign. The following facilities also are to be considered for signing as motorist services, provided they meet the criteria listed in Table D: STATE POLICE HEADQUARTERS, HOSPITALS, and TOURIST INFORMATION CENTERS. A sign separate from the other primary service signs shall be provided for these facilities.

1) Criteria for Motorist Service Signing.

A) Reference to a motorist service shall be removed at such time as that service is no longer available or it fails to meet the criteria.

B) Where interchanges are numbered, the interchange number (and suffix) shall be used for the action line. The message "NEXT RIGHT (LEFT)" shall be used where interchange numbers are not posted. When identical services are not available in both directions at the interchange, the sign legend showing the services available and the exit information for the first exit shall be separated from the legend showing the services available and the exit information for the second exit by a horizontal border strip. The action line of the upper half shall show the exit number and suffix for the first exit, and the action line of the lower half shall show the exit number and suffix for the second exit. Where there are not exit numbers, the upper half shall have the message "NEXT RIGHT (LEFT)" and the lower half shall be "SECOND RIGHT (LEFT)."

C) In the event a qualifying gas facility also provides diesel fuel to motorists, a plate with the message "DIESEL" shall be added to the primary motorist service signs.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED REPEALER

D) A separate sign is to be erected in advance of an interchange that provides the most logical and convenient route to a qualifying hospital or State Police headquarters. A hospital symbol sign is the appropriate sign to be installed for hospitals, while the latter facility shall be signed with the message "STATE POLICE HEADQUARTERS." The action message of the separate sign(s) shall be the same as for the other service signs, as described in Section 552.50(b)(1)(B). In determining the most direct and best route, the Department will consider all relevant conditions including the directness of the route, congestion of the route, speed of travel, length of travel, and ease of locating the facility.

E) When a tourist information center is located off the freeway, the sign shall be in the form of a supplemental panel mounted below the primary motorist services sign (GAS, FOOD, LODGING, and CAMPING), if one is present. If no primary services are signed for at an interchange, the panel (sign) shall be mounted independently, with the action message to be the same as for the other service signs, as described in Section 552.50(b)(1)(B). When the tourist information center is in conjunction with a rest area, a supplemental panel shall be mounted below the "REST AREA 1/2 MILE" exit direction sign.

F) A "NEXT" SERVICES ..... MILES" sign shall be placed below the primary motorist services in advance of an interchange providing motorist services when it is more than 20 miles to the next interchange with a sign for motorist services.

G) Within and around urban areas of over 50,000 population and at other locations where interchanges are relatively close together, signs for GAS, LODGING, and FOOD shall not be installed at each interchange. In place of these signs, a sign shall be installed near the edge of the urban area displaying the message "GAS, LODGING, FOOD NEXT ..... INTERCHANGES (MILES)."

## 2) Location of Signs.

A) Signs showing the various services shall be positioned between the "1 MILE" and "1/2 MILE" advance guide signs in advance of the interchange to which the sign applies. The service sign shall be at least 1,000 feet from the nearest major guide sign. Motorist service signs shall be erected beyond the traffic generator supplemental sign.

B) Unless the facilities signed for on the freeway are readily visible and recognizable from the ramp terminal, signs shall be erected on all nondirectional ramps showing the locations of the facilities. If one or more of the GAS, FOOD, or LODGING facilities are not visible, signs for all of these services shall be erected on the ramp. In making this



DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

determination, the Department will physically observe whether or not a motorist will be able to determine in what direction the facility is located.

C) CAMPING facilities are normally not visible from the ramp terminal, and signs shall be erected for them on the ramp. Such message shall either be included on the GAS, FOOD, LODGING ramp sign, if one is used, as a plate below that sign or installed separately. When the campground is located more than 1 mile from the ramp terminal, the distance to the facility shall be shown on the ramp sign. Also, at a double exit interchange where the campground is more than 1 mile from the interchange, an additional CAMPING sign with the distance shown shall be installed along the interchanging roadway. Signs on the crossroad directing motorists to the campground must be in place before freeway signs are erected.

D) TOURIST INFORMATION and STATE POLICE HEADQUARTERS signs on ramps shall either be mounted below the primary motorist service sign or installed separately. However, not more than two motorist service sign installations shall be erected on the ramp.

E) Hospital symbol signs shall always be installed separately from the other motorist service signs.

3) Sign Design.

A) Motorist service signs shall have a white legend on a blue background. The signs shall carry the full name of the type of motorist service(s) available and directional indications, except hospitals will be signed with a hospital symbol sign, as opposed to the word message "HOSPITAL."

B) If only one motorist service exists, the sign panel shall be designed to accommodate that service (GAS, FOOD, LODGING, or CAMPING) plus one additional service. If two or more services exist, the sign panel shall be designed to accommodate all four services. In all cases, the sign posts shall be physically able to support a sign panel displaying all four services.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 552. TABLE A. CONVENTIONAL HIGHWAY: TRAFFIC GENERATOR CRITERIA

(Must be within 5 miles in rural area or 1 mile in urban area)

TRANSPORTATION MODE/TYPE	CRITERIA	CLASS
Transcontinental Airports	Commercial airports with scheduled service and facilities identified on the official State map	Class 1
Interstate Highways	Highways providing through passenger service, including through service	Class 2
Bus Terminals	Handling 50 or more buses per week	Class 3
Terminals	Handled by either private or public organizations	Class 4
Post-high-school institutions having a minimum of 500 students	Post-high-school institutions having a minimum of 500 students	Class 5
State schools for special education	State schools for special education	Class 6
Federal or State operated institutions	Federal or State operated institutions	Class 7
Health care facilities	Health care facilities, including hospitals, clinics, and health centers	Class 8
Religious facilities	Religious facilities, including churches, synagogues, and mosques	Class 9
Governmental facilities	Governmental facilities, including courthouses, government buildings, and public works	Class 10
Commercial facilities	Commercial facilities, including hotels, restaurants, and retail stores	Class 11
Industrial facilities	Industrial facilities, including manufacturing plants and warehouses	Class 12
Recreational facilities	Recreational facilities, including parks, sports fields, and swimming pools	Class 13
Other facilities	Other facilities, including schools, libraries, and community centers	Class 14

NONOCCIDENTAL

[illegible][illegible]

年次	月次	日次	時間	場所	内容	備考
昭和	1	1	10:00	東京	東京市立第一中学校	
昭和	1	2	10:00	東京	東京市立第二中学校	
昭和	1	3	10:00	東京	東京市立第三中学校	
昭和	1	4	10:00	東京	東京市立第四中学校	
昭和	1	5	10:00	東京	東京市立第五中学校	
昭和	1	6	10:00	東京	東京市立第六中学校	
昭和	1	7	10:00	東京	東京市立第七中学校	
昭和	1	8	10:00	東京	東京市立第八中学校	
昭和	1	9	10:00	東京	東京市立第九中学校	
昭和	1	10	10:00	東京	東京市立第十中学校	
昭和	1	11	10:00	東京	東京市立第十一中学校	
昭和	1	12	10:00	東京	東京市立第十二中学校	
昭和	1	13	10:00	東京	東京市立第十三中学校	
昭和	1	14	10:00	東京	東京市立第十四中学校	
昭和	1	15	10:00	東京	東京市立第十五中学校	
昭和	1	16	10:00	東京	東京市立第十六中学校	
昭和	1	17	10:00	東京	東京市立第十七中学校	
昭和	1	18	10:00	東京	東京市立第十八中学校	
昭和	1	19	10:00	東京	東京市立第十九中学校	
昭和	1	20	10:00	東京	東京市立第二十中学校	
昭和	1	21	10:00	東京	東京市立第二十一中学校	
昭和	1	22	10:00	東京	東京市立第二十二中学校	
昭和	1	23	10:00	東京	東京市立第二十三中学校	
昭和	1	24	10:00	東京	東京市立第二十四中学校	
昭和	1	25	10:00	東京	東京市立第二十五中学校	
昭和	1	26	10:00	東京	東京市立第二十六中学校	
昭和	1	27	10:00	東京	東京市立第二十七中学校	
昭和	1	28	10:00	東京	東京市立第二十八中学校	
昭和	1	29	10:00	東京	東京市立第二十九中学校	
昭和	1	30	10:00	東京	東京市立第三十中学校	
昭和	1	31	10:00	東京	東京市立第三十一中学校	
昭和	1	32	10:00	東京	東京市立第三十二中学校	
昭和	1	33	10:00	東京	東京市立第三十三中学校	
昭和	1	34	10:00	東京	東京市立第三十四中学校	
昭和	1	35	10:00	東京	東京市立第三十五中学校	
昭和	1	36	10:00	東京	東京市立第三十六中学校	
昭和	1	37	10:00	東京	東京市立第三十七中学校	
昭和	1	38	10:00	東京	東京市立第三十八中学校	
昭和	1	39	10:00	東京	東京市立第三十九中学校	
昭和	1	40	10:00	東京	東京市立第四十中学校	
昭和	1	41	10:00	東京	東京市立第四十一中学校	
昭和	1	42	10:00	東京	東京市立第四十二中学校	
昭和	1	43	10:00	東京	東京市立第四十三中学校	
昭和	1	44	10:00	東京	東京市立第四十四中学校	
昭和	1	45	10:00	東京	東京市立第四十五中学校	
昭和	1	46	10:00	東京	東京市立第四十六中学校	
昭和	1	47	10:00	東京	東京市立第四十七中学校	
昭和	1	48	10:00	東京	東京市立第四十八中学校	
昭和	1	49	10:00	東京	東京市立第四十九中学校	
昭和	1	50	10:00	東京	東京市立第五十中学校	
昭和	1	51	10:00	東京	東京市立第五十一中学校	
昭和	1	52	10:00	東京	東京市立第五十二中学校	
昭和	1	53	10:00	東京	東京市立第五十三中学校	
昭和	1	54	10:00	東京	東京市立第五十四中学校	
昭和	1	55	10:00	東京	東京市立第五十五中学校	
昭和	1	56	10:00	東京	東京市立第五十六中学校	
昭和	1	57	10:00	東京	東京市立第五十七中学校	
昭和	1	58	10:00	東京	東京市立第五十八中学校	
昭和	1	59	10:00	東京	東京市立第五十九中学校	
昭和	1	60	10:00	東京	東京市立第六十中学校	
昭和	1	61	10:00	東京	東京市立第六十一中学校	
昭和	1	62	10:00	東京	東京市立第六十二中学校	
昭和	1	63	10:00	東京	東京市立第六十三中学校	
昭和	1	64	10:00	東京	東京市立第六十四中学校	
昭和	1	65	10:00	東京	東京市立第六十五中学校	
昭和	1	66	10:00	東京	東京市立第六十六中学校	
昭和	1	67	10:00	東京	東京市立第六十七中学校	
昭和	1	68	10:00	東京	東京市立第六十八中学校	
昭和	1	69	10:00	東京	東京市立第六十九中学校	
昭和	1	70	10:00	東京	東京市立第七十中学校	
昭和	1	71	10:00	東京	東京市立第七十一中学校	
昭和	1	72	10:00	東京	東京市立第七十二中学校	
昭和	1	73	10:00	東京	東京市立第七十三中学校	
昭和	1	74	10:00	東京	東京市立第七十四中学校	
昭和	1	75	10:00	東京	東京市立第七十五中学校	
昭和	1	76	10:00	東京	東京市立第七十六中学校	
昭和	1	77	10:00	東京	東京市立第七十七中学校	
昭和	1	78	10:00	東京	東京市立第七十八中学校	
昭和	1	79	10:00	東京	東京市立第七十九中学校	
昭和	1	80	10:00	東京	東京市立第八十中学校	
昭和	1	81	10:00	東京	東京市立第八十一中学校	
昭和	1	82	10:00	東京	東京市立第八十二中学校	
昭和	1	83	10:00	東京	東京市立第八十三中学校	
昭和	1	84	10:00	東京	東京市立第八十四中学校	
昭和	1	85	10:00	東京	東京市立第八十五中学校	
昭和	1	86	10:00	東京	東京市立第八十六中学校	
昭和	1	87	10:00	東京	東京市立第八十七中学校	
昭和	1	88	10:00	東京	東京市立第八十八中学校	
昭和	1	89	10:00	東京	東京市立第八十九中学校	
昭和	1	90	10:00	東京	東京市立第九十中学校	
昭和	1	91	10:00	東京	東京市立第九十一中学校	
昭和	1	92	10:00	東京	東京市立第九十二中学校	
昭和	1	93	10:00	東京	東京市立第九十三中学校	
昭和	1	94	10:00	東京	東京市立第九十四中学校	
昭和	1	95	10:00	東京	東京市立第九十五中学校	
昭和	1	96	10:00	東京	東京市立第九十六中学校	
昭和	1	97	10:00	東京	東京市立第九十七中学校	
昭和	1	98	10:00	東京	東京市立第九十八中学校	
昭和	1	99	10:00	東京	東京市立第九十九中学校	
昭和	1	100	10:00	東京	東京市立第一百中学校	

[illegible]

姓名	性别	年龄	籍贯	职业	文化程度	政治面貌	特长	备注
王德胜	男	45	山东	教师	高中	党员	擅长书法	
李秀英	女	38	河南	护士	初中	团员	擅长舞蹈	
张国强	男	52	河北	工人	小学	党员	擅长木工	
刘小红	女	28	江苏	医生	大学	党员	擅长内科	
陈为民	男	40	浙江	农民	初中	党员	擅长种植	
赵子龙	男	35	湖北	干部	高中	党员	擅长组织	
孙丽娟	女	30	湖南	教师	大学	党员	擅长音乐	
周大伟	男	48	四川	工人	小学	党员	擅长修理	
吴小芳	女	25	广东	护士	高中	团员	擅长急救	
郑为民	男	55	山西	农民	初中	党员	擅长养殖	
冯国强	男	32	陕西	干部	高中	党员	擅长管理	
马小红	女	22	广西	教师	大学	党员	擅长英语	
周大伟	男	42	江西	工人	小学	党员	擅长机械	
吴小芳	女	27	福建	护士	高中	团员	擅长护理	
郑为民	男	50	安徽	农民	初中	党员	擅长耕作	
冯国强	男	37	河南	干部	高中	党员	擅长协调	
马小红	女	24	湖北	教师	大学	党员	擅长语文	
周大伟	男	44	湖南	工人	小学	党员	擅长钳工	
吴小芳	女	29	四川	护士	高中	团员	擅长化验	
郑为民	男	53	广东	农民	初中	党员	擅长捕鱼	
冯国强	男	34	浙江	干部	高中	党员	擅长决策	
马小红	女	21	江苏	教师	大学	党员	擅长数学	
周大伟	男	41	山东	工人	小学	党员	擅长电工	
吴小芳	女	26	河北	护士	高中	团员	擅长打针	
郑为民	男	51	河南	农民	初中	党员	擅长喂猪	
冯国强	男	36	湖北	干部	高中	党员	擅长沟通	
马小红	女	23	湖南	教师	大学	党员	擅长历史	
周大伟	男	43	四川	工人	小学	党员	擅长焊工	
吴小芳	女	28	广东	护士	高中	团员	擅长缝合	
郑为民	男	54	浙江	农民	初中	党员	擅长种菜	
冯国强	男	33	江西	干部	高中	党员	擅长谈判	
马小红	女	20	福建	教师	大学	党员	擅长物理	
周大伟	男	40	山东	工人	小学	党员	擅长车工	
吴小芳	女	25	河北	护士	高中	团员	擅长配药	
郑为民	男	50	河南	农民	初中	党员	擅长养鸡	
冯国强	男	35	湖北	干部	高中	党员	擅长策划	
马小红	女	22	湖南	教师	大学	党员	擅长化学	
周大伟	男	45	四川	工人	小学	党员	擅长磨工	
吴小芳	女	30	广东	护士	高中	团员	擅长输血	
郑为民	男	52	浙江	农民	初中	党员	擅长酿酒	
冯国强	男	31	江西	干部	高中	党员	擅长执行	
马小红	女	19	福建	教师	大学	党员	擅长生物	
周大伟	男	39	山东	工人	小学	党员	擅长锻工	
吴小芳	女	24	河北	护士	高中	团员	擅长换药	
郑为民	男	49	河南	农民	初中	党员	擅长养鱼	
冯国强	男	34	湖北	干部	高中	党员	擅长组织	
马小红	女	21	湖南	教师	大学	党员	擅长地理	
周大伟	男	44	四川	工人	小学	党员	擅长铸工	
吴小芳	女	29	广东	护士	高中	团员	擅长拔罐	
郑为民	男	53	浙江	农民	初中	党员	擅长腌菜	
冯国强	男	32	江西	干部	高中	党员	擅长指挥	
马小红	女	20	福建	教师	大学	党员	擅长天文	
周大伟	男	40	山东	工人	小学	党员	擅长铆工	
吴小芳	女	25	河北	护士	高中	团员	擅长包扎	
郑为民	男	50	河南	农民	初中	党员	擅长种稻	
冯国强	男	35	湖北	干部	高中	党员	擅长协调	

[illegible]

DEPT. OF EDUCATION

THE SOCIETY OF FRIENDS

[illegible]

Page	Date	Time	Location	Remarks
1	10/10/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
2	10/11/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
3	10/12/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
4	10/13/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
5	10/14/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
6	10/15/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
7	10/16/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
8	10/17/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
9	10/18/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
10	10/19/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
11	10/20/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
12	10/21/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
13	10/22/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
14	10/23/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
15	10/24/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
16	10/25/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
17	10/26/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
18	10/27/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
19	10/28/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
20	10/29/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
21	10/30/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
22	10/31/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
23	11/1/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
24	11/2/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
25	11/3/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
26	11/4/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
27	11/5/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
28	11/6/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
29	11/7/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
30	11/8/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
31	11/9/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
32	11/10/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
33	11/11/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
34	11/12/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
35	11/13/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
36	11/14/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
37	11/15/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
38	11/16/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
39	11/17/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
40	11/18/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
41	11/19/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
42	11/20/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
43	11/21/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
44	11/22/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
45	11/23/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
46	11/24/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
47	11/25/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
48	11/26/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
49	11/27/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
50	11/28/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
51	11/29/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
52	11/30/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
53	12/1/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
54	12/2/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:30 AM.
55	12/3/54	10:00	San Francisco	Arrived at 10:00 AM. Left at 10:3





OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE

PART 1440  
AUCTION LICENSE ACT

SUBPART A: DEFINITIONS

Section  
1440.10 Definitions

SUBPART B: AUCTION LICENSE

Section  
1440.100 Necessity of License; Exemptions  
1440.110 Examination  
1440.120 Application for Auctioneer, Associate Auctioneer License and Auction Firm  
1440.130 Application for Licensure, Practice Prior to the Act  
1440.140 45 Day Permit Sponsor Card  
1440.150 Restoration of Lapsed or Expired License  
1440.160 Nonresident Auctioneer, Associate Auctioneer Reciprocity  
1440.170 Fees  
1440.180 Earnings from the Investment of Moneys in the Auction Recovery Fund  
1440.190 Address Change, Notification  
1440.200 Pocket Card  
1440.210 Assumed Name  
1440.220 Supervisory Duties  
1440.230 Advertising; Buyer Premium; Disclosure  
1440.240 Unlicensed Assistants  
1440.250 Felony convictions; Discipline of Other Professional License; Notification  
1440.260 Advertising; Auction without Reserve; Absolute Auction  
1440.270 Escrow or Trust Accounts  
1440.280 Termination for Failure to Pay Taxes, Child Support or Student Loan

SUBPART C: CONTINUING EDUCATION

Section  
1440.300 Continuing Education Schools Approval and License  
1440.310 Continuing Education  
1440.320 Expiration and Renewal for Continuing Education Schools and Courses  
1440.330 Distant Learning Programs  
1440.340 Class Attendance Requirements  
1440.350 Withdrawal of Approval of School and Courses  
1440.360 Discipline of Schools

AUTHORITY: Implementing and authorized by the Auction License Act [225 ILCS

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted amendments shall be directed to:

Alan Anderson  
Legislative Liaison  
Office of Banks and Real Estate  
500 E. Monroe Street  
Springfield, IL 62701-1532  
217/782-3000

The full text of the adopted amendments begins on the next page:



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

407].

SOURCE: Adopted by emergency rulemaking at 23 Ill. Reg. 13414, effective October 25, 1999, for a maximum of 150 days; adopted at 24 Ill. Reg. 3518, effective February 22, 2000; amended at 25 Ill. Reg. 12586, effective SEP 28 2001.

## SUBPART A: DEFINITIONS

## Section 1440.10 Definitions

"Act" means the Auction License Act [225 ILCS 407].

"Advertisement" means any written, oral, or electronic communication that contains a promotion, inducement, or offer to conduct an auction or offer to provide an auction service, including but not limited to brochures, pamphlets, radio and television scripts, telephone and direct mail solicitation, electronic media, and other means of promotion.

"Advisory Board" shall mean the Auctioneer Advisory Board.

"Associate Auctioneer" means a person who conducts an auction, but who is under the direct supervision of, and is sponsored by, a licensed auctioneer or auction firm.

"Auction" means the sale or lease or property, real or personal, by means of exchanges between an auctioneer or associate auctioneer and prospective purchasers or lessees, which consists of a series of invitations for offers made by the auctioneer or associate auctioneer and offers by prospective purchasers or lessees for the purpose of obtaining an acceptable offer for the sale or lease of the property including the sale or lease of property via mail, telecommunications, or the Internet.

"Auction Contract" means a written or oral agreement between an auctioneer, associate auctioneer, or an auction firm and a seller, sellers, lessor or lessors.

"Auction Firm" means any corporation, partnership, or limited liability company that acts as an auctioneer and provides an auction service.

"Auction School" means any educational institution, public or private, which offers a curriculum of auctioneer education and training approved by OBRE.

"Auction Service" means the service of arranging, managing,

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

advertising or conducting auctions.

"Auctioneer" means a person or entity who, for another, for a fee, compensation, commission or any other valuable consideration at auction or with the intention or expectation of receiving value consideration by the means of or process of an auction or sale at auction or providing an auction service, offers, negotiates, or attempts to negotiate an auction contract, sale, purchase, or exchange of goods, chattels, merchandise, personal property, real property, or any commodity that may be lawfully kept or offered for sale by or at auction.

"Buyer Premium" means any fee or compensation paid by the successful purchaser of property sold or leased at or by auction, to the auctioneer, associate auctioneer, auction firm, seller, lessor or other party to the transaction, other than the purchase price.

"Cashier" means a person who accepts, records and documents payments and information from bidders or prospective bidders, and performs other clerical services for and under the direct supervision of a licensed auctioneer or auction firm, while conducting an auction or providing an auction service.

"Clerk" means a person who records and documents information and performs other clerical services for and under the direct supervision of an auctioneer or an auction or providing an auction service.

"CE" means continuing education.

"Commissioner" means the Commissioner of the Office of Banks and Real Estate.

"Compensation" means the valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including but not limited to:

commissions;

fees;

referral fees;

bonuses;

prizes;

merchandise;

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

finder fees;

performance of services;

coupons or gift certificates;

discounts;

rebates;

a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;

retainer fee; or salary.

"Consignment Sale" means the sale or lease of property at an auction, whereby a person or entity takes temporary control, title or possession of the property to be sold or leased for the purpose of that person or entity to sell or lease the property, receive and distribute the proceeds of the sale or lease of the property. The person or entity who conducts a consignment sale auction shall not be exempt from licensure under this Act, except for those persons or entities who are other exempt from licensure, as provided by the Act and these Rules.

"Goods" means chattels, movable goods, merchandise, or personal property or commodities of any form or type that may be lawfully kept or offered for sale.

"Licensee" means any person licensed under the Act.

"Livestock Auctioneer" means an auctioneer or associate auctioneer, licensed under this Act, and employed by a business registered as a market agency under the Federal Packers and Stockyards Act (7 USC 181 et seq.) or under the Livestock Auction Market Law [225 ILCS 640], who by public outcry sells livestock at the registered business.

"Managing Auctioneer" means any person licensed as an auctioneer who manages and supervises an auction firm and licensees sponsored by an auction firm or auctioneer.

"OBRE" means the Office of Banks and Real Estate.

"Person" shall mean an individual, association, partnership, corporation, limited liability company, or the officers, directors, or employees of the same.

"Pre-renewal Period" means the 24 months prior to the expiration date

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

of a license issued under the Act.

"Ring Assistant" means a person who acknowledges a bid from a member of the audience during the sale or lease of property at an auction and conveys the bid to the auctioneer, but only the auctioneer may accept the bid for the sale or lease of property at auction.

"Rules" means this Part.

"School" means a continuing education school approved and licensed in accordance with the Act and this Part.

"Sponsor Card" shall mean the temporary permit issued by the sponsoring auctioneer certifying that the licensee named is employed by or associated with the sponsoring auctioneer and the sponsoring auctioneer shall be responsible for the actions of the sponsored licensee.

"Sponsoring Auctioneer" means the auctioneer or auction firm who has issued a sponsor card to a licensed associate auctioneer or auctioneer.

"Terms and Conditions" means an announcement made orally or in written form at an auction sale, including but not limited to the condition of the property being sold or leased, the type of payment expected from the purchaser, when payment is expected from the purchaser, when possession, control and ownership of the property being sold or leased passes to the purchaser, and any other information which is pertinent to the auction.

(Source: Amended at 25 Ill. Reg. 12586, effective SEP 28 2001)

## SUBPART B: AUCTION LICENSE

## Section 1440.100 Necessity of License; Exemptions

Any person, corporation, limited liability company, partnership, or other entity shall not be required to be licensed under this Act under the following circumstances:

- a) A not-for-profit organization conducting an auction solely for charitable purposes;
- b) A person or other entity who is the rightful owner of property, real or personal, sold or leased at auction, except for persons or entities who as a normal course of business sell or lease property at auction;
- c) A person or entity, while conducting an auction for the sale or lease of real property, who holds a valid broker or salesperson license under the Real Estate License Act of 2000 [225 ILCS 454];



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- d) A business registered as a livestock market agency under the federal Packers and Stockyards Act (7 USC 181 et seq.) or under the Livestock Auction Market Law, and that registered business employs licensed livestock auctioneers;
- e) A vehicle dealer licensed by the Secretary of State of Illinois, or to any employee of the licensee, who is a resident of the State of Illinois, while the employee is acting in the regular scope of his or her employment for the licensee, or to sales by or through the licensee.
- f) A person under the age of 18 who, while under the direct supervision of a licensed auctioneer, sells items under \$250 in value.

(Source: Amended at 25 Ill. Reg. 12586, effective SEP 28 2001.)

## SUBPART C: CONTINUING EDUCATION

**Section 1440.300 Continuing Education Schools Approval and License**

Approval of continuing education (CE) schools. Those entities seeking approval as CE schools shall maintain an office for maintenance of all records, office equipment and office space necessary for customer service.

- a) The CE school's office may be subject to inspection by authorized representatives of OBRE during regular working hours and upon at least 24 hours' notice when OBRE has reason to believe that there is not full compliance with the Act or this Part and that this inspection is necessary to ensure full compliance.
- b) OBRE shall be reimbursed by any out-of-state CE school for all reasonable expenses incurred by the inspector in the course of the inspection.
- c) Entities seeking approval as CE schools shall file a CE school application, on forms provided by OBRE, along with the required fee. The application shall include the following:
- 1) A list of all CE courses that the CE school is planning to offer during the 12 month period following approval and a list of all instructors the school plans to utilize in the offering of the CE courses. The list shall include the instructor's name, address, and approval number. An approved CE school shall not be precluded from offering CE courses or from utilizing instructors not listed in the initial application or subsequent annual renewals if written notice of the CE course and the instructor to be utilized is submitted 30 days prior to the CE course date pursuant to subsection (c)(3)(E) of this Section.
  - 2) The description, location, date and time of each CE course to be offered;
  - 3) The CE school's certification:
    - A) that the content areas of all CE courses offered by the CE school for CE credit will conform to those listed in Section

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 25-5(b) and (c) of the Auction License Act; that all CE courses offered by the CE school for CE credit will comply with the criteria in this Section;
- C) the CE school will be responsible for verifying attendance at each CE course and providing a certificate of completion signed by the CE school on forms provided by OBRE. Further, that the school will maintain these records for not less than 5 years and shall make these records available for inspection by OBRE during regular business hours;
- D) that, upon request by OBRE, the CE school will submit evidence as is necessary to establish compliance with this Section and Sections 25-10 through 25-15 of the Act. The evidence shall be required when OBRE has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;
- E) that the CE school will submit to OBRE a written notice of a course 30 days prior to the CE course date if the program was not listed in the application or any subsequent renewal application. The notice shall include the description, location, date and time of the CE course to be offered;
- F) that the CE school will only offer CE, other than self-study CE, in an environment that is conducive to learning (i.e., adequate lighting, seating) and does not jeopardize the health, safety, and welfare of the attendees; and
- G) that financial resources are available to equip and maintain its office in a manner necessary to enable the CE school to comply with Article 25 of the Act, this Section, and this Part, documented by a current balance sheet, an income statement or any similar evidence as requested by OBRE;
- 4) Evidence of the CE school's ability to provide the certificates required by Section 25-10(c) of the Act.
- d) CE schools approved to offer the courses required by Article 25 of the Act shall be deemed to be approved to offer CE programs upon completion of an application for approval and submission of the fee required by Section 1440.170.
- e) Within 30 days after the action by the Auction Advisory Board and OBRE, OBRE shall issue an approval and license to the CE school or notify the CE school, in writing, why approval cannot be issued.
- f) Approved CE schools shall comply with the following:
  - 1) No approved CE school shall allow the premises or classrooms utilized during CE courses to be used by anyone to directly or indirectly recruit new affiliates for any company. CE schools and CE instructors shall report to OBRE any efforts to recruit licensees.
  - 2) No approved CE school shall advertise that it is endorsed, recommended, or accredited by OBRE. The CE school, however, may indicate that the school and the CE course have been approved and licensed by OBRE.



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 3) Approved CE schools shall utilize in the teaching of approved CE courses only CE instructors who are qualified and knowledgeable in the content offered in the course.
- 4) Approved CE schools shall specify in any advertising promoting CE courses the number of CE hours that may be credited toward Illinois CE requirements for license renewal. Further, approved CE schools shall specify the number of mandatory or elective CE course hours that may be earned by successfully completing the course.

- 5) All CE courses given by approved CE schools shall be open to all licensees and not be limited to members of a single organization or group.

g) The CE school shall be responsible for assuring verified attendance at each CE course or self-study examination. No renewal applicant shall receive CE credit for time not actually spent attending the CE course or when a passing score of 70% on the examination was not achieved.

h) To maintain approved CE school status, each CE school shall submit, prior to December 31 of odd numbered years, a school renewal application along with the required fee. The CE school shall be required to submit to OBRE with the renewal application the following:

1) A list of those CE courses planned to be offered in the 12-month period immediately following the renewal period. This list shall include a description, location, date and time the course is planned to be offered.

- 2) A list of those instructors the school plans to utilize. This list shall include the name and address.

i) Each approved CE school shall submit to OBRE on or before the 15th of each month a graduation report of those licensees passing approved CE courses offered by it during the preceding calendar month.

- 1) The monthly graduation reports shall include the following information for each licensee:

- A) the licensee's name, address, social security number, and license number;
- B) the CE school's name and license number; and
- C) the CE course name, course identification number, course category (mandatory or elective), credit hours, and the date and time classes were held.

- 2) If a CE school during the preceding calendar month gave no courses, that CE school shall report in writing that no courses were given.

- 3) The monthly graduation reports may be submitted in a computer readable format specified by OBRE.

- 4) There is no processing fee for a monthly graduation report submitted in the computer readable format specified by OBRE. Each monthly graduation report submitted on paper or in a format other than that specified by OBRE shall be accompanied by a processing fee of \$.50 per student, per course, listed on the report, payable by check to OBRE.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 5) A monthly graduation report received by OBRE with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative fee of \$200 in addition to the fees set forth in subsection (i)(4).

- 6) If a CE school fails to file monthly graduation reports or a statement saying that none were given, or fails to pay required fees, if any, as set forth in subsections (i)(4) and (5), for three successive months, then the courses offered by that school may be disqualified until all delinquent graduation reports, processing fees, and administrative fees as set forth in subsections (i)(4) and (5) have been submitted to and are received by OBRE. OBRE shall send notice to the school of an informal conference before the Auction Advisory Board and of pending disqualification, by certified or registered mail, return receipt requested, or by other signature restricted delivery service.

(Source: Added at 25 Ill. Reg. 12586, effective SEP 28 2001)

## Section 1440.310 Continuing Education

## a) Continuing Education Requirements

- 1) In accordance with Sections 10-30 and 25-5 of the Act, during each pre-renewal period, prior to the expiration date of the license, each auctioneer and associate auctioneer who makes application to renew his or her license must successfully complete 12 hours of auction continuing education courses approved by the Advisory Board and OBRE from a school approved by the Advisory Board and OBRE.

- 2) Auctioneers and associate auctioneers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 10-30 of the Act.

- 3) OBRE shall conduct random audits to verify compliance with this Section.

## b) Approved Continuing Education

- 1) CE credit may be earned for verified attendance at or participation in an approved course that is licensed by OBRE, and is offered by an approved CE school that is licensed by OBRE, that meets the requirements set forth in Section 1440.300 of this Part.

- 2) CE credit may also be earned for completion of a self-study course that is offered by an approved CE school that meets the requirements set forth in Section 1440.330 of this Part.

- 3) Pursuant to Section 25-5 of the Act, the requirement that CE be obtained through a curriculum approved by the Auction Advisory Board and OBRE shall be satisfied by successful completion of the



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

following:

- A) Mandatory category. Each renewal applicant shall successfully complete 12 hours of CE, of which 6 hours shall be mandatory core subjects in the following categories:
- i) Illinois statutes and rules governing auctioneering;
  - ii) federal statutes and regulations governing auctioneering;
  - iii) auctioneering ethics;
  - iv) escrow and trust accounts;
  - v) contracts; and
  - vi) other subject matter approved by the Board.

- B) Elective category. Each renewal applicant may satisfy the remaining 6 hours of CE from the mandatory core subjects categorized in subsection (b)(3)(A), or may successfully complete an additional 6 hours of CE in the following elective subject categories:

- i) agency;
- ii) business courses related to auctioneering;
- iii) real estate related courses;
- iv) auction management;
- v) bid calling;
- vi) public speaking;
- vii) advertising;
- viii) specialty auction courses; or
- ix) other subject matter approved by the Board.

- 4) One hour of approved CE shall include at least 50 minutes of classroom instruction and shall be exclusive of any time devoted to taking the examination set forth in subsection (b)(6) below.

- 5) Each CE course shall include one or more subjects from either the mandatory category or elective category set forth in subsection (b)(3)(A) or (B), where the individual is in actual attendance, or participates in, or completes self-study. All CE courses shall be a minimum of three hours and shall be offered in three-hour increments. Each three-hour increment shall be from topics in the core or elective category. In no case shall topics from the mandatory and elective category be combined within the same three-hour period. The CE school shall clearly indicate on the certificate of completion the number of hours earned from each CE course and identify whether the completed course was from the mandatory or elective category.

- 6) Each CE course shall include the successful completion of an examination that measures the attendee's understanding of the course material. A score of at least 70% is required on the examination for successful completion of any CE course.

- A) The examination shall be given on-site immediately following any CE course. When a sequence of courses is offered, the examination will be given at the end of each individual course on material that covers all the aspects of the

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

course.

- B) All examinations, including self-study examinations and retake examinations, shall be proctored by a representative of the approved CE school and shall include at least 25 questions for each three-hour period.
- C) No credit for CE shall be given to any licensee unless the examination is successfully completed. The CE school shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for the CE course unless the entire course is retaken and the examination is successfully completed.

- 7) Self-study CE shall comply with all of the requirements of this Section, except that:

- A) Verified attendance is only required for taking the examination.
- B) Classroom instruction is not required for self-study CE, as the intent is for the licensees to review and learn the material on their own.
- C) The examination site for self-study shall be determined by the CE school and it shall be proctored by a representative of the approved sponsor. An instructor is not required to proctor the examination.

- 8) All CE courses shall:

- A) Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of auctioneering.
- B) Provide experiences (e.g., role playing, lectures, films) that contain subject matter and course materials relevant to that set forth in Section 25-5 of the Act.
- C) Be developed and presented by persons with education and/or experience in subject matter of the CE course.

- 9) Nothing shall prohibit an approved CE school and its instructors from utilizing audio-visual aides or satellite communication with two-way voice interaction in assisting in the presentation of CE courses.

- 10) CE credit may be earned by an instructor for teaching an approved CE course. Credit for teaching an approved CE course may only be earned one time per course during the instructor's pre-renewal period. One hour of teaching is equal to one hour of CE.

- 11) CE credit shall not be given for CE courses taken in Illinois from schools not pre-approved by the Board and OBRE.

- 12) Except for self-study CE courses, no more than 6 hours of CE may be taken in any calendar day.

- c) Certification of Compliance with CE Requirements

- 1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a)

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

and (b) of this Section.

2) OBRE may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of completion, transcript, etc.). It is the responsibility of each renewal applicant to provide the additional evidence during an audit as proof of CE completed.

3) When during an audit or compliance review, OBRE determines that a licensee may be deficient in complying with CE requirements, OBRE will notify the licensee, and the sponsoring auctioneer of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is received to submit to OBRE evidence of compliance with CE requirements.

A) If satisfactory evidence of compliance with CE requirements (as set forth in subsection (c)(2) of this Section) is submitted, OBRE shall notify the licensee by first class mail that the licensee is in compliance.

B) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to subsection (c)(1) of this Section but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may, during the 60 days notice period, submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of \$25 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, OBRE shall notify the licensee and the sponsoring auctioneer of the licensee that the license is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.

C) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-15(1) of the Act regarding false or fraudulent representation to obtain a license and of the continuing education requirements of Article 25 of the Act. OBRE shall send notice pursuant to Section 20-5 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring auctioneer of

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

the licensee.

(Source: Added at 25 Ill. Reg. 12586-, effective SEP 28 2001)

### Section 1440.320 Expiration and Renewal for Continuing Education Schools and Courses

a) Every continuing education school and course license shall expire on December 31 of each odd numbered year.

b) Each licensed CE school shall be responsible for renewal of the CE school and course license on forms provided by OBRE. Failure to receive a renewal form shall not constitute a valid reason for failure to pay the renewal fee or to renew the appropriate license.

c) The applicable fees shall be those set forth in Section 1440.170 of this Part.

d) Each CE school shall submit a list of courses to be taught as part of the renewal application.

e) Operation of a CE school on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 20-15 of the Act.

f) Any continuing education school whose license under the Act has expired for more than two years shall not be eligible to renew its license and must make an initial application in accordance with the Act and this Part.

g) Any CE school whose license has expired for less than two years may renew the license at any time by complying with the requirements of the Act and this Part, making application and paying the required fees and penalties.

(Source: Added at 25 Ill. Reg. 12586-, effective SEP 28 2001)

### Section 1440.330 Distant Learning Programs

Distance learning programs shall be affiliated with an approved school and meet the curriculum requirements set forth in Section 1440.310 of this Part, as applicable. Distance learning programs means those courses designed to be taken by means other than attendance in a classroom, e.g., Internet courses or correspondence/home study type courses.

a) The program shall be approved by OBRE in accordance with Section 25-10 of the Act, and the approved school shall:

- 1) Maintain a brief description of each lesson;
- 2) Maintain a list of titles, authors, publishers, and copyright dates of all instructional materials;
- 3) Require minimum passing scores for all examinations of no less than 70%.

b) The program shall develop a written statement of teaching methods to



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

be employed and materials and equipment needed for each course of instruction.

- c) The program shall establish written policies and procedures for examinations and lessons that shall include provisions for instructor comments, suggestions and written correction of errors. There shall also be written procedures for the prompt return of materials.

- d) The program shall establish performance objectives for each specific course of study.

- e) A qualified instructor shall be available during normal business hours to answer student questions.

- f) Students shall be allowed to attend the school's regularly scheduled CE courses.

(Source: Added at 25 Ill. Reg. 125863 effective SEP 28 2001)

## Section 140.340 Class Attendance Requirements

- a) Attendance at all classes is mandatory; however, credit for absences not to exceed 10% of the class hours may be made up by attendance at make-up classes as provided in subsection (b). Absences in excess of 10% of class hours shall result in failure of the course.

- b) Each school shall provide time and facilities for conducting make-up classes for students who were absent from the regularly scheduled class period.

(Source: Added at 25 Ill. Reg. 125863, effective SEP 28 2001)

## Section 140.350 Withdrawal of Approval of School and Courses

- a) Upon written recommendation of the Board, OBRE shall withdraw the approval of the continuing education school or course when the quality of the program fails to continue to meet the established criteria set forth in this Part or if approval of the school or program was based upon false or deceptive information.

- b) If the Board has reason to believe there has been any fraud, dishonesty, or lack of integrity in the furnishing of any documentation for the evaluation of a school or program, it shall refer the matter for investigation and any disciplinary action that might be appropriate under the Act and this Part.

- c) A CE school whose program or courses are being reconsidered shall be given at least 30 days written notice prior to any reconsideration by the Board. The officials in charge may either submit written comments or request a hearing before the Board.

- d) In the event the auction license of the administrator of an approved school is suspended or revoked, the school approval shall automatically be rescinded.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 25 Ill. Reg. 125863 effective SEP 28 2001)

## Section 140.360 Discipline of Schools

- a) Upon written recommendation of the Board to the Commissioner, OBRE may refuse to issue or renew a license, suspend, or revoke any license or approval, place on probation, suspend, or revoke any license or otherwise discipline any license of any school, or applicant for the license, and may impose a civil penalty not to exceed \$10,000 upon a licensee, when at any time:

- 1) The quality of the course, instruction or program fails to meet the established criteria set forth in the Act and this Part,
- 2) If the license approval was based upon false or deceptive information.

- 3) If any other professional license, accreditation, or certification by OBRE of the school is suspended, revoked, or otherwise disciplined.

- 4) When the applicant or licensee has:

- A) subverted or attempted to subvert the integrity of any exam or course, including through improper reproduction of an exam, providing an answer key to an exam, cheating, bribery or otherwise, or aids and abets an applicant or licensee to subvert the integrity of any exam or course;

- B) made any substantial misrepresentation or misleading or untruthful advertising, including without limitation guaranteeing success or a "pass score" on any exam or in any course or using any trade name or insignia of membership in any educational or any auction organization of which the applicant or licensee is not a member;

- C) offered auction courses without utilizing qualified instructors;

- D) failed to provide information to OBRE as required under any provision of the Act or this Part; or

- E) disregarded or violated any provisions of the Act or this Part.

- b) Disciplinary proceedings shall be conducted as provided for in Article 20 of the Act.

- c) Upon recommendation of the Auction Advisory Board, OBRE may temporarily suspend, without hearing, the approval and license of a school's courses for failure to comply with the Act or this Part. No CE credit shall be granted to any licensee for completing a CE course for which the approval of OBRE has been temporarily suspended.

(Source: Added at 25 Ill. Reg. 125863 effective SEP 28 2001)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Non-Discrimination in Affiliate Transactions for Gas Utilities

2) Code Citation: 83 Ill. Adm. Code 550

<u>Section Numbers:</u>	<u>Adopted Action:</u>
550.10	New Section
550.20	New Section
550.30	New Section
550.40	New Section
550.50	New Section
550.60	New Section
550.70	New Section
550.80	New Section
550.85	New Section
550.90	New Section
550.100	New Section
550.110	New Section
550.120	New Section
550.130	New Section
550.140	New Section
550.150	New Section
550.160	New Section

4) Statutory Authority: Implementing Section 9-241 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-241 and 10-101]

5) Effective Date of Rules: September 21, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 22, 2000, at 24 Ill. Reg. 14114

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version:

In Section 550.50, change heading of Section to "Release, Assignment, Transfer, and Brokering of Interstate Natural Gas Pipeline and Storage Services".

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

In Section 550.20, add new subsection (b) and redesignate the following subsections accordingly.

In Section 550.20(g), delete "services" from first sentence and delete "of its ordinary terms and conditions for transportation services on file with the Commission". Delete "of its ordinary terms and conditions".

In Section 550.30(a) and (b), add "in competition with ARGS".

In Section 550.30, add new subsection (c).

In Section 550.50, delete "gas" and add "natural gas" before "pipeline". Add "and storage services" and delete "system capacity".

In Section 550.70, delete "requesting authorization for" and replace "customer information" with "billing and usage data".

In Section 550.120(b), delete ", including affiliated interests in competition with ARGS".

In Section 550.130(b), replace "any" with "a list denoting" and delete "to the list". Add "on a quarterly basis".

In Section 550.150(a), add "or have internal audits conducted by independent public accountants".

In Section 550.150(b), replace "2001" with "2002" and replace "odd" with "even".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace any emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: This rulemaking arises from the concern that gas utilities could take advantage of their positions as monopoly providers of local distribution services to provide preferential treatment to their affiliates and that a significant result of such preferential treatment would be to lessen the benefits to consumers of unbundled gas services.

The Commission based its initiation of the rulemaking on the following points: (1) utility affiliate marketers are becoming significant factors in the Illinois unbundled gas market; (2) as transportation services move to smaller customers, marketing costs become larger relative to per



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

customer revenue, and misuse of utility customer-specific information to create an advantage for its affiliated marketer becomes a more significant threat; and (3) increasing competition between marketing affiliates of gas and electric utilities increases the need for similar treatment of affiliate relationships in the two industries.

Non-discrimination rules may prevent gas utilities from providing advantages to their affiliates by: (1) allowing greater flexibility in accepting late nominations or revised nominations during "critical" periods when penalties may apply; (2) providing free services to a marketing affiliate, the cost of which is recovered from utility customers in general; (3) providing more timely meter reading data, more timely monthly and daily nomination confirmations, and more timely nomination requirement forecasts; (4) tying transportation discounts, such as application of anti-bypass rates, to the customer's use of a marketing affiliate's services; (5) providing more timely processing of the affiliate marketer's new accounts; and (6) providing lists of potential customers, their usage patterns, and credit history or disclosing competitively sensitive information to the affiliate relating to transportation service, especially information about non-affiliated marketers.

16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701  
(217)785-3922

The full text of the adopted rules begins on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER d: GAS UTILITIES

## PART 550

## NON-DISCRIMINATION IN AFFILIATE TRANSACTIONS FOR GAS UTILITIES

Section	Definitions
550.10	Definitions
550.20	Non-Discrimination
550.30	Marketing and Advertising
550.40	Tying
550.50	Release, Assignment, Transfer, and Brokering of Interstate Natural Gas Pipeline and Storage Services
550.60	Nondiscriminatory Provision of Information to Unaffiliated Entities
550.70	Customer Information
550.80	Exception for Corporate Support Information
550.85	Indirect Information Sharing
550.90	Confidentiality of ARGS Information
550.100	Independent Functioning
550.110	Employees
550.120	Transfer of Goods and Services
550.130	List of Affiliated Interests
550.140	Maintenance of Books and Records and Commission Access
550.150	Internal Audits
550.160	Complaint Procedures

AUTHORITY: Implementing Section 9-241 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-241 and 10-101].

SOURCE: Adopted at 25 Ill. Reg. 12603 -, effective SEP 21 2001.

## Section 550.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Affiliated interest" has the same meaning as in Section 7-101(2) of the Act.

"Affiliated interests in competition with alternative retail gas suppliers" shall include affiliated alternative retail gas suppliers that provide services to customers within the service territory of the gas utility with which it is affiliated, as well as affiliated interests that broker, sell, or market gas to customers within the service territory of the gas utility with which it is affiliated, or that provide consulting services directly related to the sale of gas to customers within the service territory of the utility with which it

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

is affiliated.

"Alternative retail gas supplier" or "ARGS" means any entity that provides or arranges to provide gas supplies to a retail customer. A gas utility is not an ARGS where it is the final conveyer of gas to the retail customer.

"Corporate support" means corporate oversight and governance involving administrative services (including travel administration, security, printing, graphics, custodial services, secretarial support, mail services, and records management), financial management services (including accounting, treasury, internal audit, tax, and financial reporting and planning), data processing, shareholder services, human resources, employee benefits, regulatory affairs, legal services, lobbying, and non-marketing research and development activities. Corporate support also includes strategic planning.

"Emergency support" means the temporary provision of personnel and other resources when consumer safety is at risk or to help maintain service during emergencies where interruption of service can only be avoided or reduced through the sharing of employees.

"Gas utility" is a public utility, as defined in Section 3-105 of the Act [220 ILCS 5/3-105], that is engaged in the conveyance of gas by pipeline.

"Transportation services" are those services provided by a gas utility that enable a customer to obtain gas supplies from an ARGS.

"Unaffiliated entity" means any entity other than either the gas utility or any of the gas utility's affiliated interests.

**Section 550.20 Non-Discrimination**

a) Gas utilities shall not provide affiliated interests or customers of affiliated interests preferential treatment or advantages relative to unaffiliated entities or their customers in connection with services provided under tariffs on file with the Illinois Commerce Commission (Commission), including contracts filed under tariffs filed pursuant to Section 9-102.1 of the Act [220 ILCS 5/9-102.1]. This provision applies broadly to all aspects of service, including, but not limited to, responsiveness to requests for service, the availability of firm versus interruptible services, the imposition of special metering requirements, and all terms and conditions and charges specified in the tariff.

b) Except for corporate support transactions, transactions between a gas utility and one or more of its affiliated interests in competition with ARGS that are not governed by tariff sheets on file with the

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

Commission shall not discriminate in relation to unaffiliated ARGS.

c) Gas utilities and affiliated interests shall not notify potential or actual customers, either directly or indirectly, advertise to the public, or otherwise communicate that the gas utility provides any advantages relating to the scheduling, transportation or distribution of gas to affiliated interests or their customers relative to unaffiliated entities and their customers.

d) A utility shall process requests for similar services provided by the utility in the same manner and within the same time period for its affiliated interests or their customers as for unaffiliated entities.

e) If discretion is permitted in application of a tariff provision, gas utilities shall maintain a log detailing each instance in which it exercised discretion, as required in Section 550.140(c).

f) If a gas utility offers affiliated interests or customers of affiliated interests a discount, rebate, fee waiver or waivers of its ordinary terms and conditions for services provided under tariffs on file with the Commission, it shall contemporaneously offer the same discount, rebate, fee waiver or waivers of its ordinary terms and conditions to all unaffiliated entities and customers of unaffiliated entities, to the extent consistent with the tariffs. Gas utilities shall maintain a log of these instances, as required in Section 550.140(c).

g) When providing transportation as a component of any bundled service, a gas utility shall not offer affiliated interests or the customers of affiliated interests a discount, rebate, fee waiver or waivers unless the gas utility contemporaneously offers the same discount, rebate, fee waiver or waivers to all unaffiliated entities and customers of unaffiliated entities.

**Section 550.30 Marketing and Advertising**

a) A gas utility shall neither jointly advertise nor jointly market its services or products with those of an affiliated interest in competition with ARGS.

b) Nothing in subsection (a) shall be construed as prohibiting an affiliated interest in competition with ARGS from using the corporate name or logo of a gas utility or gas utility holding company.

c) When an affiliated interest in competition with ARGS markets or advertises to the public using the natural gas utility's name or logo, it shall include a legible disclaimer that states:

- 1) that the affiliated interest in competition with ARGS is not the same company as the gas utility;
- 2) that the prices of the affiliated natural gas supplier in competition with ARGS are not regulated by the Illinois Commerce Commission;
- 3) that a customer does not have to buy products or services from the affiliated interest in competition with ARGS in order to receive the same quality service from the gas utility.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

When an affiliated interest in competition with ARGS advertises or communicates verbally through the radio or television to the public using the gas utility's company name or logo, the affiliated interest in competition with ARGS shall include at the conclusion of any such communication a legible disclaimer that includes all the disclaimers listed in subsections (c)(1), (2) and (3).

**Section 550.40 Tying**

Gas utilities shall not tie, as defined by State and federal anti-trust laws, the provision of any services to the taking of any goods and services from the gas utilities' affiliated interests.

**Section 550.50 Release, Assignment, Transfer, and Brokering of Interstate Natural Gas Pipeline and Storage Services**

Except to the extent reserved to the sole and exclusive jurisdiction of the Federal Energy Regulatory Commission (FERC), gas utilities shall not grant preferences regarding the release, assignment, transfer, or brokering of interstate natural gas pipeline and storage services to affiliated interests or their customers.

**Section 550.60 Nondiscriminatory Provision of Information to Unaffiliated Entities**

Employees of the gas utility's affiliated interests in competition with ARGS shall not have preferential access to any information about the gas utility's distribution systems.

**Section 550.70 Customer Information**

Gas utilities shall not provide any preferences to affiliated interests in the release of billing and usage data.

**Section 550.80 Exception for Corporate Support Information**

Except as proscribed by Sections 550.60 and 550.70, gas utilities may share information concerning corporate support with affiliated interests without being required to share this information with unaffiliated entities.

**Section 550.85 Indirect Information Sharing**

A gas utility shall neither directly nor indirectly provide preferential access to information to any of the utility's affiliated interests in competition with ARGS where the utility's direct sharing of this information with an affiliated interest in competition with ARGS would violate any Section of the Public Utilities Act or any Section of this Part.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

**Section 550.90 Confidentiality of ARGS Information**

Gas utilities shall treat all information obtained from an ARGS as confidential information, and shall not provide this information to their affiliated interests or to unaffiliated entities unless the ARGS provides authorization to do so.

**Section 550.100 Independent Functioning**

Except in relation to corporate support and emergency support, gas utilities and affiliated interests in competition with ARGS that provide services to customers within the utility's service territory shall function independently of each other and shall not share services or facilities.

**Section 550.110 Employees**

a) Except in relation to corporate support and emergency support, gas utilities and their affiliated interests in competition with ARGS shall not jointly employ or otherwise share the same employees.

b) Gas utilities shall not jointly employ or otherwise share employees engaged in providing transportation services with their affiliated interests in competition with ARGS.

c) Subsections (a), (b), and (d) of this Section shall not apply to any employee covered by a collective bargaining agreement subject to federal labor law, including the Labor Management Relations Act and the National Labor Relations Act.

d) Each gas utility that has an affiliated interest in competition with ARGS shall maintain a log detailing the transfer of employees: from the utility to its affiliated interests in competition with ARGS; from the utility to its other affiliated interests; and from the utility's other affiliated interests to its affiliated interests in competition with ARGS. This subsection shall not apply to employee transfers to or from corporations that are affiliated interests of the gas utility solely because they share a common director. The log shall be made available to the Commission upon request.

**Section 550.120 Transfer of Goods and Services**

a) Transactions between a gas utility and its affiliated interests shall not be allowed to subsidize the affiliated interests.

b) Costs associated with the transfer of goods and services between a gas utility and its affiliated interests shall be priced as specified in, and allocated pursuant to, the Commission approved services and facilities agreement or affiliated interests agreement. Any transfer of goods and services between a gas utility and its affiliated interests that is not explicitly addressed in a Commission approved services and facilities or affiliated interests agreement is prohibited unless the transfer has been otherwise specifically

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

approved by the Commission pursuant to Section 7-101 of the Act or approval has been waived by statute or Commission rule.

**Section 550.130 List of Affiliated Interests**

- a) Each gas utility shall maintain an accurate list of all its affiliated interests. This list shall include the name and address of each affiliated interest and the name and business telephone number of at least one officer of each affiliated interest. The gas utility shall make this list available to the public upon request.
- b) The gas utility shall file this list and a list denoting subsequent changes with the Chief Clerk of the Commission on a quarterly basis. The gas utility shall also send copies of the lists to the Manager of the Accounting Department and the Director of the Consumer Services Division of the Commission. The Chief Clerk of the Commission shall make the most recent lists of each gas utility available to the public upon request.

**Section 550.140 Maintenance of Books and Records and Commission Access**

- a) A gas utility shall maintain books, accounts, and records separate from those of its affiliated interests.
- b) Upon the request of the Commission, gas utilities shall make personnel available who are competent to respond to the Commission's inquiries regarding the nature of any transactions that have taken place between the gas utility and its affiliated interests, including but not limited to the goods and services provided, the prices, terms and conditions, and other considerations given for the goods and services provided.
- c) Each gas utility shall maintain a log detailing: each instance in which it exercised discretion in the application of tariff provisions; each instance in which it offered affiliated interests or customers of affiliated interests services not governed by tariffs, except for corporate support transactions; and each instance in which it offered affiliated interests or customers of affiliated interests a discount, rebate, fee waiver or waivers of the gas utility's ordinary terms and conditions in connection with services provided under tariffs on file with the Commission. The gas utility shall make this log available to the Commission upon request. The log shall contain the following information:
  - 1) the names of the affiliated interests and unaffiliated entities involved in the transaction;
  - 2) a description of the transaction;
  - 3) the time period over which the transaction applies; and
  - 4) the quantities and locations involved in the transaction.

**Section 550.150 Internal Audits**

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- a) Gas utilities shall conduct biennial internal audits or have internal audits conducted by independent public accountants on transactions with affiliated interests. These audits shall test compliance with this Part, with any applicable Commission orders, with the gas utility's affiliated interest operating agreement(s) and/or guidelines, with 83 Ill. Adm. Code 505, and with 83 Ill. Adm. Code 510. The audits shall include written reports of conclusions and associated workpapers that shall be available to the Commission Staff for review. The audit reports shall be submitted to the Commission's Director of Accounting within 30 days after completion. Any audit performed pursuant to this Section may be designated as confidential with the Commission's Director of Accounting.
- b) The first internal audit report shall be submitted on or before December 1, 2002. Succeeding audit reports shall be submitted on or before December 1 of each even numbered succeeding year.
- c) Subsections (a) and (b) of this Section shall not apply to transactions with corporations that are affiliated interests of the gas utility solely because they share a common director or transactions with individuals that are affiliated interests of the gas utility solely because they are an elective officer or director of the gas utility.

**Section 550.160 Complaint Procedures**

Complaints alleging violations of this Part shall be filed pursuant to 83 Ill. Adm. Code 200.



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Accessible Housing Demonstration Grant Program2) Code Citation: 47 Ill. Adm. Code 3683) Section Numbers: Adopted Action:

368.101	New
368.102	New
368.103	New
368.104	New
368.105	New
368.106	New
368.107	New
368.108	New
368.109	New
368.201	New
368.202	New
368.203	New
368.204	New
368.205	New

4) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act (20 ILCS 7.19 and 7.25) and the Accessible Housing Demonstration Grant Program Act (310 ILCS 95)5) Effective Date of Rules: September 20, 20016) Does this rulemaking contain an automatic repeal date: No7) Do these rules contain any incorporation by reference: No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: April 27, 2001, 25 Ill Reg 569310) Has JCAR issued a Statement of Objection to these rules? No11) Differences between proposal and final version: Pursuant to First and Second Notice Changes from JCAR, the Authority made a series of technical and grammatical corrections throughout the rulemaking.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these rules replace emergency rules currently in effect? No

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

14) Are there any rules pending on this Part? No15) Summary and Purpose of Rules: These amendments will establish a demonstration grant program to encourage the development of single family homes that are accessible to the disabled public.16) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Richard Muller, Esq.  
401 N. Michigan Ave  
Suite 900  
Chicago, Illinois 60611  
312/836-5327

The full text of the adopted rules begins on the next page:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## PART 368

## ACCESSIBLE HOUSING DEMONSTRATION GRANT PROGRAM

## SUBPART A: GENERAL RULES

Section	Authority
368.101	Purpose and Objectives
368.102	Definitions
368.103	Standard Criteria
368.104	Forms and Procedures for the Program
368.105	Amendment
368.106	Severability
368.107	Gender and Number
368.108	Titles and Captions
368.109	

## SUBPART B: APPLICATION

368.201	Forms
368.202	Application
368.203	Accompanying Documentation
368.204	Review
368.205	Grant Agreement
368.206	Monitoring of Program by the Authority

## SUBPART C: DISBURSEMENT OF GRANT PROCEEDS

Section	Application for Disbursement of Grant Proceeds
368.301	Review
368.302	

AUTHORITY: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 7.19 and 7.25] and the Accessible Housing Demonstration Grant Program Act [310 ILCS 95].

SOURCE: Adopted at 25 Ill. Reg. 126132, effective SEP 20 2001.

## SUBPART A: GENERAL RULES

## Section 368.101 Authority

This Part is authorized by and made pursuant to the Accessible Housing Demonstration Grant Program Act [310 ILCS 95], which shall govern the Program.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

## Section 368.102 Purposes and Objectives

This Part is established to accomplish the purposes of the Accessible Housing Demonstration Grant Program Act and in particular to make grants to Qualified Builders to encourage the building of Single Family Residences that are accessible to the disabled.

## Section 368.103 Definitions

As used in this Part, the following words or terms shall have the meanings assigned to them.

"Accessibility Standards": The standards for the construction of a Spec Home, which shall include the following:

The Spec Home shall have at least one no-step exterior entrance with a 36-inch-wide entrance door to allow for wheelchair access into the Spec Home.

All interior passage doors in the Spec Home shall allow at least 32 inches of clearance in width.

No electrical outlet in the Spec Home shall be lower than 15 inches from the finished floor and no light switch in the Spec Home shall be higher than 48 inches from the finished floor. All environmental controls, including, but not limited to, heating and air-conditioning controls in the home must be in accessible locations.

In each bathroom or equivalent room, the toilet, bathtub, shower stall, or shower seat shall be reinforced in a manner that will allow the installation of grab bars around those fixtures.

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Applicant": A homebuilder applying for a Grant under the Program.

"Application": A homebuilder's written request for a Grant, including the required information and attachments.

"Application Form": The form to be used by all Applicants in submitting an Application.

"Architect's Final Certificate": The certificate prepared by an architect of a Qualified Builder stating that a Spec Home, as constructed, meets the Accessibility Standards.

"Architect's Initial Certificate": The certificate prepared by an



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

architect of an Applicant or a Qualified Builder stating that the Plans and Specifications for a proposed Spec Home incorporate the Accessibility Standards.

"Authority": The Illinois Housing Development Authority.

"Building Permit": The building permit for a Spec Home, if required, issued by the jurisdiction in which the Spec Home is to be constructed.

"Director": The Executive Director of the Authority.

"Final Certification Affidavit": The affidavit signed by the building inspector certifying that the Accessibility Standards have been incorporated into the Spec Home.

"Grant": A grant from the Authority to a Qualified Builder in connection with the construction of one or more Spec Homes under the Program. No Grant shall exceed \$5,000 for each Spec Home.

"Grant Agreement": The agreement between the Authority and a Qualified Builder setting forth the terms and conditions under which the Authority will provide a Grant to the Qualified Builder.

"Program": The Accessible Housing Demonstration Grant Program.

"Qualified Builder": A homebuilder that:

has had insurance coverage for product liability, builder's risk and worker's compensation for the 12-months prior to the date of its Application; and

demonstrates that it has constructed either at least two buildings in the 12-month period prior to the date of its Application, or four buildings in the 24-month period prior to the date of its Application.

"Request for Disbursement": A Qualified Builder's request for a disbursement of Grant funds upon the completion of construction of a Spec Home.

"Single Family Residence": A detached home, a condominium, a town home or other residence designed to be occupied by a single individual or household. A two-, three- or four-flat is not a Single Family Residence.

"Spec Home": A Single Family Residence satisfying the Accessibility Standards constructed by a Qualified Builder for sale on the open

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

market and not built for a specific individual or family for immediate occupancy.

"Staff": The Executive Director and the employees of the Authority.

**Section 368.104 Standards and Criteria**

In considering applications for Grants, the Authority and the Staff shall, in the exercise of discretion, consider, in addition to the requirements of Section 368.203:

- a) The size, number and type of the proposed Spec Homes;
- b) The location of the Spec Homes;
- c) The projected completion dates of the Spec Homes;
- d) The experience of the Applicant;
- e) The amount of the Grant requested; and
- f) The per unit cost differential for meeting each of the Accessibility Standards.

**Section 368.105 Forms and Procedures for the Program**

The Staff may prepare, use, supplement, and amend such forms, agreements, and other documents and such procedures as may be necessary to implement the program, all as may be prescribed by the Executive Director.

**Section 368.106 Amendment**

This Part may be supplemented, amended, or repealed by the Authority from time to time and in such manner as they may determine consistent with this Part, the Act, the Accessible Housing Demonstration Grant Program Act, the Illinois Administrative Procedure Act and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

**Section 368.107 Severability**

If any clause, sentence, paragraph, subsection, Section, or Subpart of this Part is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Part, but shall be confined in its operation to the clause, sentence, paragraph, subsection, Section, or Subpart as to which such judgment is rendered.

**Section 368.108 Gender and Number**

All terms used in any one gender or number shall be construed to include any other gender or number as the context may require.

**Section 368.109 Titles and Captions**

Titles and captions or Subparts, Sections, and subsections are used for

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

convenience and reference and are not a part of the text.

## SUBPART B: APPLICATION

**Section 368.201 Forms**

The Authority shall develop an Application Form, a Grant Agreement, and any other forms that it may deem necessary for the conduct of the Program.

**Section 368.202 Application**

Applicants seeking a Grant under the Program shall submit to the Authority a completed Application Form together with all required documentation.

**Section 368.203 Accompanying Documentation**

For each Spec Home that an Applicant proposes to construct under the Program, the Applicant shall include:

- a) an Architect's Initial Certificate; and
- b) a Building Permit, if required by the jurisdiction in which the Spec Home is to be constructed.

**Section 368.204 Review**

Within 10 business days after the receipt of an Application, the Staff shall determine whether such Application meets the eligibility requirements of Sections 368.104 and 368.203. If the Staff determines that the Application meets such requirements, it shall notify the Applicant within five business days after such determination. If the Staff determines that the Application fails to meet any of these requirements, the Authority shall notify the Applicant in writing within 10 business days after such determination; the Applicant shall have 10 business days to correct any deficiencies in its Application.

**Section 368.205 Grant Agreement**

Upon the approval of an Application, the Authority and the Applicant shall enter into a Grant Agreement. Upon entering the agreement, the Qualified Builder will have up to one year to complete the construction of the Spec Home.

**Section 368.206 Monitoring of Program by the Authority**

Upon reasonable notice, the Qualified Builder shall allow the Authority to inspect the Spec Homes until one year after the date of the Grant Agreement.

## SUBPART C: DISBURSEMENT OF GRANT PROCEEDS

**Section 368.301 Application for Disbursement of Grant Proceeds**

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

Upon the completion of a Spec Home, the Qualified Builder shall submit a Request for Disbursement to the Authority. Such request shall include an Architect's Final Certificate and, if required by the jurisdiction in which the Spec Home has been constructed, a certificate of occupancy from that jurisdiction.

**Section 368.302 Review**

Within 10 business days after the receipt of a Request for Disbursement, the Staff shall determine whether such request meets the requirements of Section 368.301. If such requirements have been met, the Authority shall disburse Grant proceeds in the requested amount to the Qualified Builder within 45 days after receipt of the Final Certification Affidavit. If the Staff determines that the Request for Disbursement does not meet such requirements, the Authority shall notify the Qualified Builder in writing within 10 business days, stating the reasons why the Request for Disbursement was denied; the Qualified Builder shall have 10 business days to correct any deficiencies in its Request for Disbursement.



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Affordable Housing Program
- 2) Code Citation: 47 Ill. Adm. Code 360
- 3) Section Numbers:      Adopted Action:  
360.103                      Amendment  
360.606                      Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Housing Development Act [20 ILCS 3805]
- 5) Effective Date of Amendments: September 20, 2001
- 6) Does this rulemaking contain an automatic repeal date? N/A
- 7) Do these amendments contain incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: June 15, 2001, 25 Ill Reg 7420
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Pursuant to First Notice Changes from JCAR, the Authority made a series of technical and grammatical corrections throughout the rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendment changes the definition of Recipient to allow individuals to directly receive funds and to clarify the criteria for the prepayment of loans.
- 16) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:  
Lori Silver, Esq.  
401 N. Michigan Ave., Suite 900      312/836-7341  
Chicago, Illinois 60611

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## PART 360

## AFFORDABLE HOUSING PROGRAM

## SUBPART A: GENERAL RULES

Section	
360.101	Authority
360.102	Purpose and Objectives
360.103	Definitions
360.104	Borrowing by the Authority
360.105	Compliance with Federal Law
360.106	Standards - Criteria
360.107	Forms and Procedures for the Program
360.108	Fees and Charges of the Authority
360.109	Waiver (Repealed)
360.110	Amendment
360.111	Severability
360.112	Gender and Number
360.113	Titles and Captions
360.114	Calendar Days

## SUBPART B: USES

Section	
360.201	Recipients
360.202	Beneficiaries
360.203	Permitted Uses of Trust Fund Monies
360.204	Market Rate Developments

## SUBPART C: APPLICATION

Section	
360.301	Application
360.302	Form
360.303	Review
360.304	Initial Contact
360.305	Site and Market Study/Rental Analysis
360.306	Feasibility Determination (Repealed)
360.307	Staff Recommendation
360.308	Advisory Commission
360.309	Authority Determination
360.310	Conditional Commitment

## SUBPART D: NOTICE

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

Section	
360.401	Notification by Authority
360.402	Comments and Responses

## SUBPART E: RECIPIENT

Section	
360.501	Eligible Applicants (Repealed)
360.502	Land Trusts
360.503	Books and Records
360.504	Audits
360.505	Annual Financial Report
360.506	Furnishing Information
360.507	Standards for Approval of Conveyance

## SUBPART F: LOANS AND GRANTS

Section	
360.601	Maximum Loan Amount and Priority
360.602	Maximum Grant Amount
360.603	Increase Above Maximum Loan or Grant Amount
360.604	Amortization
360.605	Recapture of Assistance
360.606	Prepayment of Loan

## SUBPART G: CONSTRUCTION

Section	
360.701	Design and Construction Standards

## SUBPART H: MARKETING AND MANAGEMENT

Section	
360.801	Marketing and Management
360.802	Marketing and Management Plans
360.803	Maintenance
360.804	Cost of Service

## SUBPART I: TENANTS AND OCCUPANCY

Section	
360.901	Displacement
360.902	Relocation Plan
360.903	Tenant Selection Plan and Participant Selection Plan
360.904	Income and Housing Expense Limits
360.905	Non-Discrimination

## SUBPART J: ENERGY EFFICIENCY



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

Section  
360.1001 Standards

## SUBPART K: CERTIFICATIONS

Section  
360.1101 Environmental Assessment  
360.1102 Other Laws

**AUTHORITY:** Implementing Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)] and authorized by Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25].

**SOURCE:** Emergency rules adopted at 14 Ill. Reg. 2094, effective January 22, 1990, for a maximum of 150 days; adopted at 14 Ill. Reg. 9117, effective May 24, 1990; amended at 15 Ill. Reg. 17088, effective November 19, 1991; emergency amendment at 18 Ill. Reg. 2124, effective January 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8663, effective May 25, 1994; amended at 22 Ill. Reg. 4321, effective February 4, 1998; amended at 23 Ill. Reg. 3692, effective March 15, 1999; amended at 23 Ill. Reg. 8819, effective July 26, 1999; emergency amendment at 24 Ill. Reg. 14065, effective September 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 2416, effective January 24, 2001; amended at 25 Ill. Reg. 12621, effective SEP 20 2001.

## SUBPART A: GENERAL RULES

## Section 360.103 Definitions

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Advisory Commission": The Affordable Housing Advisory Commission.

"Affordable Housing": Residential housing that, so long as the same is occupied by Low-Income Households or Very Low-Income Households, requires payment of monthly housing costs, including utilities other than telephone, of no more than 30% of the maximum allowable income as stated for such households as set forth in Section 360.904(b)(1) and (2) of this Part.

"Affordable Housing Act": The Illinois Affordable Housing Act [310 ILCS 65].

"Affordable Housing Bond Program Rules": 47 Ill. Adm. Code 365.

"Affordable Housing Program Trust Fund Bonds or Notes": The bonds or notes issued by the Authority under the Act to further the purposes of

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

the Affordable Housing Act.

"Applicant": The person or entity applying for an allocation of monies from the Trust Fund. An individual applying for funds to acquire, rehabilitate, construct or finance a Single-Family Development that is or would be owned or occupied by such individual may not be an Applicant.

"Authority": The Illinois Housing Development Authority.

"Clearinghouse": The person in the Office of the Governor designated by the Governor to provide notice to appropriate State and local agencies of proposed Developments or Single-Family Developments.

"Development": A Multi-family Housing project consisting of the Real Estate, together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Director": The Director of the Authority.

"Grant": A grant from the Authority to a Recipient to be used in connection with a Development or Single-Family Development.

"Loan": A loan from the Authority to a Recipient to be used in connection with a Development or Single-Family Development.

"Low-Income Household": A single person, family or unrelated persons living together whose adjusted income is more than 50%, but less than 80%, of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 8-8-6- 1437).

"Members": The Members of the Authority.

"Multi-family Housing": A building or buildings providing housing to 5 or more households.

"Note": The document executed as evidence of a Borrower's indebtedness under a Loan and any supplements thereto and modifications or amendments thereof.

"Part": This Part 360.

"Participant Selection Plan": The participant selection plan approved by the Authority for a Single-Family Development.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

"Program": The Illinois Affordable Housing Program.

"Real Estate": The real property upon which a Development or Single-Family Development is to be or has been constructed.

"Recipient": An individual, A proprietorship, partnership, for-profit corporation, not-for-profit corporation, unit of local government, the Illinois Housing Development Authority, or the entity that holds legal title to the Development or Single-Family Development, or when the Development is held in a Trust, the entity owning the beneficial interest in a Trust that receives Trust Fund Monies from the Authority.

"Rules": The rules and regulations of the Authority as supplemented and amended from time to time.

"Single-Family Development": A Single-Family Housing project consisting of the Real Estate, together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Single-Family Housing": A building containing one to 4 dwelling units, including a mobile home as defined in subsection (b) of Section 3 of the Mobile Home Landlord and Tenant Rights Act [765 ILCS 745/3].

"Staff": The Director and the employees of the Authority.

"State": The State of Illinois.

"Tenant": The person, family or unrelated persons leasing a Single-Family Development or a dwelling unit in a Development.

"Tenant Selection Plan": The tenant selection plan approved by the Authority for a Development.

"Trust": The Illinois land trust which holds legal title to a Development or Single-Family Development.

"Trustee": The trustee of a Trust holding legal title to a Development.

"Trust Fund": The Illinois Affordable Housing Trust Fund.

"Trust Fund Monies": All monies, deposits, revenues, income, interest, dividends, receipts, taxes, proceeds and other amounts or funds deposited or to be deposited in the Trust Fund pursuant to Section 5(b) of the Affordable Housing Act and any proceeds, investments or increases thereof.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

"Utility Allowance": The cost of utilities, except telephone, based on reasonable consumption of these utilities.

"Very Low-Income Household": A single person, family or unrelated persons living together whose adjusted income is not more than 50% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 8-5-6; 1437).

(Source: Amended at 25 Ill. Reg. 12621, effective SEP 20 2001)

## SUBPART F: LOANS AND GRANTS

## Section 360.606 Prepayment of Loan

The Authority may prohibit the prepayment of a Loan for a Development if the Authority determines that such prepayment will result in:

- a) the rents charged at the Development exceeding the limits set forth in Section 360.904(b) of this Part at the time of the prepayment;
- b) the Development being converted to condominiums or cooperatives; or
- c) a conflict with the Authority's goal of providing affordable housing.

The Authority may allow the prepayment of a Loan for a Development if the Authority determines that the prepayment is in the best interest of the community in which the Development is located.

~~The Authority shall prohibit the prepayment of a loan for a Development if such prepayment shall result in the rents charged at the Development exceeding the limits set forth in Section 360.904(c) of this Part.~~

(Source: Amended at 25 Ill. Reg. 12621, effective SEP 20 2001)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Grade A Pasteurized Milk and Milk Products
- 2) Code Citation: 77 Ill. Adm. Code 775
- 3) Section Numbers: 775.150  
Adopted Action:  
Amendment
- 4) Statutory Authority: Authorized by and implementing the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].
- 5) Effective Date of Amendments: September 25, 2001
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:  
May 4, 2001 (25 Ill. Reg. 5846)

- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

- 11) Difference Between Proposal and Final Version: Various typographical, grammatical and technical changes were made in response to comments from the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee?  
All changes agreed upon by the Department and the Joint Committee been made as indicated in the agreements issued by the Joint Committee.

- 13) Will the amendment replace an emergency amendment currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: These amendments set forth monetary penalties for drug residue violations to be paid by Illinois dairy producers and withholding periods in which milk containing violative drug residues may not be sold. The draft amendments eliminate the 48 hour withholding period for the first occurrence of a violative drug residue. To replace the 48 hour period, the amendments specify that another sample will be taken after corrections have been made. These corrections may include removing a cow that is being treated with antibiotics from the herd or re-cleaning equipment that may be contain a drug residue. The

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

elimination of the 48 hour withholding period results from recommendations made by the National Conference on Interstate Milk Shipments and changes to the Grade A Pasteurized Milk Ordinance published by the U.S. Food and Drug Administration. This document is a model ordinance adopted by all 50 states, the District of Columbia and the U. S. Trust Territories for the uniform regulation of milk and milk products in interstate commerce. With the removal of the 48 hour withholding period, the Department has also decided to remove the alternative monetary penalty for the first occurrence of a violative drug residue.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Paul Thompson  
Division of Legal Services  
535 West Jefferson, Fifth Floor,  
Springfield, Illinois 62761  
217/782-2043  
rules@idph.state.il.us

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

## PART 775

## GRADE A PASTEURIZED MILK AND MILK PRODUCTS

Section	
775.1	Minimum Regulations (Renumbered)
775.10	Definitions
775.20	Incorporated Materials
775.30	Minimum Requirements
775.40	Local Government Implementation
775.50	Permits
775.60	Suspension of Permits
775.70	Inspections and Investigations
775.80	Approval of Construction Plans
775.90	Administrative Hearings
775.100	Milk Haulers Examination
775.110	Milk Tank Trucks
775.120	Cleaning and Sanitizing Procedures
775.130	Action levels for Added Water in Milk
775.140	Pesticide, Herbicide and Mycotoxin Residue Control Program
775.150	Drug Residue Control Program

**AUTHORITY:** Authorized by and implementing the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].

**SOURCE:** Adopted and codified at 8 Ill. Reg. 4190, effective March 16, 1984; amended at 11 Ill. Reg. 1464, effective February 1, 1987; amended at 12 Ill. Reg. 17925, effective December 1, 1988; amended at 17 Ill. Reg. 14015, effective August 15, 1993; amended at 19 Ill. Reg. 12271, effective August 10, 1995; amended at 22 Ill. Reg. 20633, effective November 10, 1998; amended at 25 Ill. Reg. 11904, effective September 1, 2001; amended at 25 Ill. Reg. 12629, effective September 1, 2001.

**Section 775.150 Drug Residue Control Program**

a) Equipment used to administer drugs and medicines shall not be cleaned in the wash vats and shall be stored so as not to contaminate the milk or milk contact surfaces of equipment.

b) Drugs and medicines shall be stored in such a manner that they cannot contaminate the milk or milk product contact surface of the equipment, containers or utensils. Such products shall be properly labeled to include:

- 1) The name and address of the manufacturer or distributor (for O.T.C. medicines and drugs), or veterinary practitioner dispensing the product (for Rx and Extra-Label use medicines and

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

drugs);

- 2) Directions for use, and prescribed holding times;
- 3) Cautionary statements, if needed; and

- 4) Active ingredients ~~ingredients~~ in the drug product.

c) Unapproved and/or improperly labeled drugs and medicines shall not be used to treat dairy animals and shall not be stored in the milkhouse, milking barn, stable or parlor. Drugs and medicines intended for treatment of non-lactating dairy animals shall be segregated from those drugs and medicines used for lactating animals. (Separate shelves in cabinets, refrigerators, or other storage facilities satisfy this item.)

d) Topical antiseptics, wound dressings (unless intended for direct injection into the teat), vaccines and other biologics, and dosage from vitamins and/or mineral products are exempt from labeling and storage requirements except when it is determined that they are stored in such a manner that they may contaminate the milk or milk product surfaces of containers or utensils.

e) The following describes the Department's Drug residue control program for Grade A raw milk under Section 6 of the PMO.

- 1) If the analysis of a sample from a bulk milk pickup tanker or milk received directly from the farm bulk tank shows any drug residue at or above the tolerances and/or safe levels of drug residues as established by Appendix N of the PMO, then the individual sample collected from each producer's milk that was in the bulk milk pickup tanker is tested to determine which producer or producers have created or contributed to the drug residue.

- 2) When the individual sample testing is complete and the tests indicate a violative drug residue, the producer's or producers' Grade A permit will be summarily suspended. Another sample will be taken from milk produced after corrections have been made a-40 hour-withholding-period to determine whether this adulteration is continual. On-the-second-and-third-occurrence-of-the-violative drug-residue-in-a-12-month-period, the producer's Grade-A-permit will-be-summarily-suspended. Another sample will-be-taken-from-milk-produced-after-a-96-hour-withholding-period-to-determine whether-this-adulteration-is-continual. For the third occurrence of a drug residue in any 12 month period the Department shall initiate administrative procedures pursuant to revocation of the producer's permit.

- 3) If the resample taken-after-40-or-96-hours-as-applicable, shows no violative drug residue, the suspended Grade A permit will be conditionally reinstated for up to 30 days. The producer and a licensed veterinarian must complete a quality assurance (QA) program, within the 30 day conditional reinstatement of the Grade A permit.

- 4) When the field representative has transmitted to the Department a copy of the quality assurance program completion certificate, signed by the producer and a licensed veterinarian, the



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

producer's Grade A permit shall be fully reinstated.  
 f) The following describes the ~~alternative~~ penalty procedures for the Department's drug residue control program for Grade A raw milk.

- 1) These procedures shall be followed when ~~when~~ individual sample testing for drug residues has been completed, ~~and~~ test results indicate a violative drug residue, ~~and~~ the producer's or producers' Grade A permit ~~is with-be~~ summarily suspended in accordance with subsection (e) of this Section. The producer or producers shall ~~may~~ submit to the Department ~~a--written--request~~ for an equivalent penalty to the ~~48-hour-withholding-period-for~~ ~~the-first-occurrence-and~~ 96 hour ~~withholding~~ period following the violative shipment for the second and third occurrences in any 12 month period. ~~The-equivalent-penalty-for--the--first-occurrence~~ ~~shall-be-52-00-per-hundred-weight-of-the-milk-produced-during-the~~ ~~48--hours--following--the--violative--shipment.~~ The equivalent penalty for the second and third occurrences shall be \$4.00 per hundred weight of the milk produced during the 96 hours following the violative shipment. The penalty shall be paid to the Department by the first buyer of the milk, by the last day of the month immediately following the violation. Following the third occurrence of a drug residue violation in any ~~12~~ ~~twelve~~ month period, the Department shall initiate administrative procedures, pursuant to Section 775.90, to permanently revoke the producer's permit.

- 2) The producer's Grade A permit will be conditionally reinstated for up to 30 days when a subsequent sample of the producer's milk does not contain a violative drug residue. The producer and a licensed veterinarian must complete a quality assurance (QA) program within the 30 day conditional reinstatement of the Grade A permit.

- 3) When the field representative has transmitted to the Department a copy of the quality assurance program completion certificate signed by the producer and a licensed veterinarian, the producer's Grade A permit shall be fully reinstated.

- g) All monies collected through the drug residue control program and deposited in the Food and Drug Safety Fund will be dedicated to drug residue prevention efforts, producer education and providing information in the prevention of drug residues.

(Source: Amended at 25 Ill. Reg. 12629, effective SEP 25 2001)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Manufactured Dairy Products
- 2) Code Citation: 77 Ill. Adm. Code 785
- 3) Section Numbers: 785.290 Amendment 785.1220 Amendment
- 4) Statutory Authority: Authorized by and implementing the Illinois Food, Drug and Cosmetics Act [410 ILCS 620].
- 5) Effective Date of Amendments: September 25, 2001
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain Incorporations by Reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: May 4, 2001 (25 Ill. Reg. 5876)
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No
- 11) Difference Between Proposal and Final Version: Various typographical, grammatical and technical changes were made in response to comments from the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee? All changes agreed upon by the Department and the Joint Committee been made as indicated in the agreements issued by the Joint Committee.
- 13) Will the Rulemaking Replace an Emergency Rulemaking Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules require laboratory testing of milk for the presence of somatic (tissue) cells at least four times in each 6-month period. The proposed rulemaking would lower the acceptable somatic cell count standard for milk for manufacturing purposes from 1,000,000 to 750,000 somatic cells per milliliter. When the somatic cell count exceeds this standard, procedures specified in the rules for written warnings and rejection of the producer's milk will be put into

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

place by the Department until compliance with the standard is achieved. Adoption of this somatic cell count level will bring Illinois into compliance with national standards based on the Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing published by the U. S. Department of Agriculture. The somatic cell count standard of 750,000 somatic per milliliter is widely accepted in the industry.

In addition, the existing rules set forth monetary penalties for drug residue violations to be paid by Illinois dairy producers and withholding periods in which milk containing violative drug residues may not be sold. The proposed amendments eliminate the 48 hour withholding period for the first occurrence of a violative drug residue. To replace the 48 hour period, the amendments specify that another sample will be taken after corrections have been made. The elimination of the 48 hour withholding period results from recommendations made by the National Conference on Interstate Milk Shipments and changes to the Grade A Pasteurized Milk Ordinance published by the U.S. Food and Drug Administration. This document is a model ordinance adopted by all 50 states, the District of Columbia and the U. S. Trust Territories for the uniform regulation of milk and milk products in interstate commerce. With the removal of the 48 hour withholding period, the Department has also decided to remove the alternative monetary penalty for the first occurrence of a violative drug residue.

16) Information and Questions Regarding these Adopted Amendments shall be directed to:

Paul Thompson  
Division of Legal Services  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217) 782-2043  
rules@idph.state.il.us

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 785  
MANUFACTURED DAIRY PRODUCTS

## SUBPART A: DEFINITIONS

Section	
785.100	Meaning of Words
785.110	Definitions
785.120	Incorporated Materials

SUBPART B: ILLINOIS QUALITY REQUIREMENTS FOR MILK FOR MANUFACTURING PURPOSES

Section	
785.200	Basis
785.210	Appearance and Odor
785.220	Sediment Content Classification
785.230	Bacterial Estimate Classification
785.240	Rejected Milk
785.250	Excluded Milk
785.260	Quality Testing of Milk from New Producers
785.270	Record of Tests
785.280	Field Service
785.290	Abnormal Milk

SUBPART C: REQUIREMENTS FOR FARMS PRODUCING MILK FOR MANUFACTURING

Section	
785.300	Health of Herd
785.310	Milking Facility and Housing
785.320	Milking Procedure
785.330	Cooling
785.340	Milkhouse or Milkroom
785.350	Utensils and Equipment
785.355	Protection from Contamination
785.360	Water Supply
785.370	Sewage Disposal
785.380	Qualifications for Farm Licensing

SUBPART D: REQUIREMENTS FOR LICENSED DAIRY PLANTS

Section	
785.400	General Requirements
785.405	Buildings



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

785.410 Facilities  
 785.415 Equipment and Utensils  
 785.420 Personnel Cleanliness  
 785.425 Personnel Health  
 785.430 Protection and Transportation of Raw Milk and Cream  
 785.435 Raw Product Storage  
 785.440 Pasteurization or Sterilization  
 785.445 Composition and Wholesomeness  
 785.450 Cleaning and Sanitizing Treatment  
 785.455 Insect and Rodent Control Program  
 785.460 Plant Records  
 785.465 Packaging and General Identification  
 785.470 Storage of Finished Product  
 785.475 Qualification for Plant Licensing

SUBPART E: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING, PROCESSING  
 AND PACKAGING INSTANT NONFAT DRY MILK, NONFAT DRY MILK, DRY WHOLE MILK, DRY  
 BUTTERMILK, DRY WHEY, AND OTHER DRY MILK PRODUCTS

Section  
 785.500 Rooms and Compartments - Dry Storage of Product  
 785.503 Packaging Room for Bulk Products  
 785.506 Hopper or Dump Room  
 785.509 Repackaging Room  
 785.512 Equipment and Utensils - General Construction, Repair, and  
 Installation  
 785.515 Preheaters  
 785.518 Hotwells  
 785.521 Evaporators and/or Vacuum Pans  
 785.524 Surge Tanks  
 785.527 High Pressure Pumps and Lines  
 785.530 Dryers  
 785.533 Collectors and Conveyors  
 785.536 Dry Dairy Product Cooling Equipment  
 785.539 Special Treatment Equipment  
 785.542 Sifters  
 785.545 Portable and Stationary Bulk Bins  
 785.548 Automatic Sampling Device  
 785.551 Dump Hoppers, Screens, Mixers and Conveyors  
 785.554 Filler and Packaging Equipment  
 785.557 Heavy Duty Vacuum Cleaners  
 785.560 Clothing and Shoe Covers  
 785.563 Operations and Operating Procedures - Pasteurization  
 785.566 Condensed Surge Supply  
 785.569 Condensed Storage Tanks  
 785.572 Drying  
 785.575 Cooling Dry Products  
 785.578 Packaging, Repackaging and Storage

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

785.581 Product Adulteration  
 785.584 Checking Quality  
 785.587 Requirements for Instant Nonfat Dry Milk  
 785.590 Cleaning of Dryers, Conveyors, Sifters, and Storage Bins  
 785.593 Insect and Rodent Control Program

SUBPART F: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING, PROCESSING  
 AND PACKAGING BUTTER AND RELATED PRODUCTS

Section  
 785.600 Rooms and Compartments - Coolers and Freezers  
 785.605 Churn Rooms  
 785.610 Print and Bulk Packaging Rooms  
 785.615 Equipment and Utensils - General Construction, Repair, and  
 Installation  
 785.620 Continuous Churn  
 785.625 Conventional Churn  
 785.630 Bulk Butter Trucks, Boats, and Packers  
 785.635 Butter, Frozen or Plastic Cream Melting Machine  
 785.640 Printing Equipment  
 785.645 Brine Tanks  
 785.650 Starter Vats  
 785.655 Operations and Operating Procedures - Pasteurization  
 785.660 Composition and Wholesomeness  
 785.665 Containers  
 785.670 Printing and Packaging  
 785.675 General Identification  
 785.680 Storage of Finished Product in Coolers  
 785.685 Storage of Finished Product in Freezer

SUBPART G: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING  
 AND PACKAGING CHEESE

Section  
 785.700 Rooms and Compartments - Starter Room  
 785.705 Make Room  
 785.710 Drying Room  
 785.715 Paraffining Room  
 785.720 Rindless Block Wrapping Area  
 785.725 Coolers or Curing Rooms  
 785.730 Cutting and Packaging Rooms  
 785.735 Equipment and Utensils - General Construction, Repair, and  
 Installation  
 785.740 Starter Vats  
 785.745 Cheese Vats  
 785.750 Mechanical Agitators  
 785.755 Curd Mill and Miscellaneous Equipment  
 785.760 Hoops and Followers

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

785.765 Press  
785.770 Rindless Cheese Press  
785.775 Paraffin Tanks  
785.780 Operations and Operating Procedures - Cheese from Pasteurized Milk  
785.785 Cheese from Unpasteurized Milk  
785.790 Whey Disposal  
785.794 Packaging and Repackaging  
785.797 General Identification

785.1000 Equipment and Installation  
785.1010 Evaporators and Vacuum Pans  
785.1020 Fillers  
785.1030 Batch or Continuous In-containers Sterilizers  
785.1040 Homogenizers  
785.1050 Operations and Operating Procedures - Preheat and Pasteurization  
785.1060 Filling Containers  
785.1070 Storage

SUBPART H: SUPPLEMENTAL REQUIREMENTS FOR PLANTS  
MANUFACTURING, PROCESSING, AND PACKAGING PASTEURIZED  
PROCESS CHEESE AND RELATED PRODUCTS

SUBPART K: ADMINISTRATIVE PROCEDURES

Section  
785.800 Equipment and Installation  
785.810 Conveyors  
785.820 Grinders or Shredders  
785.830 Cookers  
785.840 Fillers  
785.850 Operations and Operating Procedures - Trimming and Cleaning  
785.860 Cooking the Batch  
785.870 Forming Containers  
785.880 Filling Containers  
785.890 Closing and Sealing Containers

Section  
785.1100 Licenses  
785.1110 Inspection  
785.1120 Licensure  
785.1130 Expiration and Revocation of License  
785.1140 Reinstatement  
785.1150 Licensing Plants and Milk Hauler/Samplers  
785.1155 Application for License  
785.1160 Plant Inspection  
785.1170 Suspension of License  
785.1175 Expiration, Suspension and Revocation of License  
785.1180 Reinstatement  
785.1190 Supervision - Department  
785.1200 Administrative Hearings  
785.1210 Pesticide, Herbicide and Mycotoxin Residue Control Program  
785.1220 Drug Residue Monitoring and Farm Surveillance

SUBPART I: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING  
AND PACKAGING FROZEN DESSERTS

Section  
785.900 Pasteurization of Frozen Dessert Mix  
785.910 Cooling  
785.920 Storage  
785.930 Laboratory Control Tests  
785.940 Packaging and Labeling  
785.950 Returns  
785.955 Lubricants  
785.960 Vehicles  
785.970 Frozen Desserts Retail Establishments  
785.980 Product Test Procedures and Quality Requirements  
785.990 Quality Standards for Raw and Pasteurized Dairy Ingredients, Mix, or Frozen Desserts

AUTHORITY: Authorized by and implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620].

SOURCE: Filed as amended June 13, 1972, effective June 26, 1972 and August 14, 1972; codified at 8 Ill. Reg. 18491; Part repealed, new Part adopted at 11 Ill. Reg. 2356, effective February 1, 1987; amended at 17 Ill. Reg. 14027, effective August 15, 1993; amended at 19 Ill. Reg. 12295, effective August 10, 1995; amended at 25 Ill. Reg. 12634, effective SEP 25 2001.

SUBPART B: ILLINOIS QUALITY REQUIREMENTS FOR MILK FOR  
MANUFACTURING PURPOSES

Section 785.290 Abnormal Milk

SUBPART J: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING,  
PROCESSING, AND PACKAGING EVAPORATED, CONDENSED OR  
STERILIZED MILK PRODUCTS

a) Mastitic Milk

- 1) A laboratory examination for the presence of somatic cells shall be made on all producers' products milk at least 4 times in each 6-month period at irregular intervals. Samples shall be analyzed at an official laboratory or at a laboratory approved by the

Section



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Department.

- 2) Confirmatory testing will be done on milk when a herd milk sample exceeds any of the following screening test results:
  - A) California Mastitis Test - Weak positive (CMT 1+).
  - B) Modified Whiteside Test - Positive (1+).
  - C) Wisconsin Mastitis Test - WMT value of 18 mm.
- 3) A confirmatory test for somatic cell count shall be made on that sample using any of the following methods:
  - A) Direct Microscopic Somatic Cell Count (Single Strip Procedure). Pyronin Y - methyl green stain shall be used for goat's goats milk.
  - B) Electronic Somatic Cell Count.
  - C) Optical Somatic Cell Count.
  - D) Membrane Filter DNA Somatic Cell Count - The results of the confirmatory test shall be the official result.
- 4) Whenever the confirmatory somatic cell count indicates the presence of more than then 750,000 ±000±000 somatic cells per ml., the following procedures shall be applied:
  - A) The producer shall be notified in writing by the milk plant with a warning of the excessive somatic cell count.<sup>7</sup>
  - B) Whenever records reveal two of the last four consecutive somatic cell counts exceed 750,000 ±000±000 per ml., the Department shall send a written notice to the producer. This notice shall be in effect so long as two of the last four consecutive samples exceed 750,000 ±000±000 per ml.
- 5) A third milk sample shall be taken after a lapse of 3 days and within 21 days. If this sample also indicates a high somatic cell count, the producer's patron's milk shall be rejected until compliance is obtained. A temporary license shall be approved by the Department whenever an additional sample of herd milk is tested and found to conform to requirements. The producer shall be fully reinstated when three out of four consecutive tests have counts of 750,000 ±000±000 or less somatic cells per ml. The samples shall be taken at a rate of not more than two per week on separate days within a 3-week period.

## b) Drugs:

- 1) At least four times in 6 months, at irregular intervals, a separate or commingled sample of each producer's milk shall be tested for drug residues. Whenever a producer's milk shows a violative drug residue, this milk shall be removed from all markets and the Department immediately notified by the industry certified laboratory. The producer's license shall not be reinstated until provisions of Section 785.1220<sup>7</sup> [Drug Residue Monitoring and Farm Surveillance]<sup>7</sup> are met.
- 2) All bulk milk pick-up tankers or milk received directly from the farm bulk tank shall be sampled and tested in accordance with Section 785.1220. Methods that which have been evaluated by Association of Official Analytical Chemists [AOAC] and

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

recommended by the Food and Drug Administration at currently referenced levels shall be used for regulatory action for each drug of concern. FDA shall review the AOAC evaluations for each test kit and make a determination as to the acceptability of the use of the method. Regulatory action shall be taken on all violative results (see Section 785.1220). A result shall be considered violative if it has been obtained by using a method that which has been evaluated and deemed acceptable by FDA at levels established in memoranda transmitted periodically by FDA as required by Section 785.1220(c) and the test completed by a qualified individual as approved by the Department.

- c) Radionuclides:
 

When notified by Illinois Department of Nuclear Safety, composite milk samples shall be collected from selected areas and tested for biologically significant radionuclides.
- d) Pesticides and Herbicides:
 

Composite milk samples shall be tested for pesticides and herbicides at a frequency of once every six months, which the Department determines to be adequate to protect the consumer. If a sample exceeds established Food and Drug Administration Administrations limits (21 CFR 193 and 40 CFR 180), procedures set forth in Section 785.1210 shall be followed.
- e) Added Water:
 

The presence of added water in raw or pasteurized milk constitutes adulteration. The presence of added water is indicated by a milk cryoscope reading of -.524 Hortvet or -.507 Centigrade or higher when tested. After two occurrences of adulterated milk within a six-month period, the plant or producer will be required to show cause and reason for the addition of water. After a third occurrence, the Department will institute administrative proceedings to revoke the plant or producer's permit.
- f) Farm Milk Collection:
 

Milk from producers shall be collected at intervals not exceeding four calendar days except in emergency situations where roads are impassible, in which delivery time may be extended an additional day. Milk determined to contain over 200,000 bacteria per ml. shall be collected every two calendar days. It is the duty of the dairy plant to notify bulk milk hauler-samplers hauler/samplers whenever a maximum two day pick-up and delivery is required.

(Source: Amended at 25 Ill. Reg. 12634, effective SEP 25 2001)

SUBPART K: ADMINISTRATIVE PROCEDURES

### Section 785.1220 Drug Residue Monitoring and Farm Surveillance

This Section The following describes the Department's Drug Residue Monitoring

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

and Farm Surveillance Program. It is established to reference safe levels and/or tolerances and to assure milk supplies are in compliance with these safe levels or established tolerances for drug residues in milk.

## a) Industry Responsibilities

## 1) Monitoring and Surveillance

A) Industry shall screen all bulk milk pick-up tankers for beta lactam drug residues. Additionally, other drug residues shall be screened for by employing a random sampling program on bulk milk pick-up tankers. The random bulk milk pick-up tanker sampling program shall represent and include, during any six months, at least four (4) samples collected in at least four (4) separate months. Samples shall be analyzed as specified by the Department.

B) Bulk milk pick-up tanker testing shall be completed prior to processing the milk. Bulk milk pick-up tanker samples found to have a violative drug residue shall be retained as determined necessary by the Department. Industry shall also record all sample results and retain those such records for a period of six months.

## 2) Reporting and Farm Traceback

A) When a bulk milk pick-up tanker is found to have a violative drug residue, the Department shall be immediately notified of the results and the ultimate disposition of the raw milk.

B) The individual sample collected from each producer's milk that was in the bulk milk pick-up tanker that was found to have a violative drug residue shall be immediately tested to determine which producer or producers have created or contributed to the drug residue.

C) Further pickups of the violative individual producer or producers shall be immediately discontinued until such time that subsequent tests no longer indicate violative drug residues and enforcement requirements of subsection (b)(2) of this Section have been met.

## b) Department Responsibilities

## 1) Monitoring and Surveillance

A) The Department shall monitor industry surveillance activities by making unannounced on-site inspections to collect samples from bulk milk pick-up tankers and to review industry records of the random sampling program.

B) The Department shall also perform routine sampling and testing for drug residues determined to be necessary.

## 2) Enforcement

A) If testing reveals violative drug residues, the milk shall be disposed of in a manner that removes it from the human or animal food chain except where reconditioned under Department approval.

B) When the individual testing as required in subsection (a)(2)(B) of this Section is complete and the tests indicate

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

any drug residue at or above the tolerance and/or safe levels, the producer's permit will be summarily suspended. Another sample will be taken from milk produced after corrections have been made ~~a 48-hour-withholding-period~~ to determine whether this adulteration is continual. ~~On the second-and-third-occurrences-of-the-violative-drug-residue in-a-12-month-period,-the-producer's-manufactured-raw-milk permit-will-be-summarily-suspended--Another-sample-will-be taken-from-milk-produced-after-a-96-hour-withholding-period to-determine-whether-this-adulteration-is-continual.~~ For the third occurrence of a drug residue in any 12 month period, the Department shall initiate administrative procedures pursuant to revocation of the producer's permit. C) If the resample shows no violative drug residue, the permit will then be conditionally reinstated until such time as the producer and a licensed veterinarian have completed a quality assurance program, but in no case for longer greater than 30 days.

D) When the field representative has transmitted to the Department a copy of the quality assurance program completion certificate signed by the producer and a licensed veterinarian, the producer's manufactured raw milk permit shall be fully reinstated.

3) The following describes the alternative penalty procedures for the Department's drug residue control program for manufactured raw milk.

A) These procedures shall be followed when individual sample testing for drug residues has been completed, and test results indicate a violative drug residue, and the producer's or producers' manufactured raw milk permit will-be summarily suspended in accordance with subsection (b)(2)(B) of this Section. The producer or producers shall may submit to the Department ~~a-written-request-for-an~~ equivalent penalty to the ~~48-hour-withholding-period-for-the first-occurrence-and~~ 96 hour withholding period following the violative shipment for the second and third occurrences in any 12 month period. ~~The-equivalent-penalty-for-the first-occurrence-shall-be-\$2-00-per-hundred-weight-of-the milk-produced-during-the-48-hours-following-the-violative shipment.~~ The equivalent penalty for the second and third occurrences shall be \$4.00 per hundred weight of the milk produced during 96 hours following the violative shipment. The penalty shall be paid to the Department by the first buyer of the milk, by the last day of the month immediately following the violation. Following the third occurrence of drug residue violation in any 12 ~~twelve~~ month period, the Department shall initiate administrative procedures, pursuant to Section 785.1200, to permanently revoke the



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

producer's permit.

B) The producer's manufactured raw milk permit will be conditionally reinstated for up to 30 days when a subsequent sample of the producer's milk does not contain a violative drug residue. The producer and a licensed veterinarian must complete a quality assurance (QA) program within the 30 day conditional reinstatement of the manufactured raw milk permit.

C) When the field representative has transmitted to the Department a copy of the quality assurance program completion certificate signed by the producer and a licensed veterinarian, the producer's manufactured raw milk permit shall be fully reinstated.

4) All monies collected through the drug residue control program shall be deposited in the Food and Drug Safety Fund and will be dedicated to drug residue prevention efforts, producer education and providing information for the prevention of drug residue.

c) Established Tolerances and/or Safe Levels of Drug Residues

1) Tolerances for drug residues ~~drugs~~ that ~~which~~ may result in milk are set forth in 21 CFR 556 (1994~~1991~~).

2) "Safe levels" are used by the Department for prosecutorial discretion. They do not legalize residues found in milk that are below the safe level. Safe levels as established by the Federal Food and Drug Administration will be transmitted by the Department via Technical Releases.

(Source: Amended at 25 Ill. Reg. 12634, effective SEP 25 2001)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers: Adopted Action:  
APPENDIX A Amendment  
APPENDIX B Amendment

4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

5) Effective Date of Amendments: September 24, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 7547 (6/22/01).

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
1030.89	Amendment	25 Ill. Reg. _____ (October 5, 2001)

15) Summary and Purpose of Amendments: These amendments are being adopted to outline the Secretary of State's new policies regarding questions that shall appear on an application for a driver's license, as well as the acceptable identification documents required to obtain a driver's license.

16) Information and questions regarding these adopted amendments shall be

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

directed to:

Robert W. Mueller  
Assistant General Counsel  
Driver Services Department  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
217-782-5356

The full text of the adopted amendments begins on the next page:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers-References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening with Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts - Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement For Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses
1030.96	Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98	School Bus Commercial Driver's License
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

APPENDIX A Questions Asked of a Driver's License Applicant  
APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992,

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective SEP 24 2001; emergency amendment at 25 Ill. Reg. 12646, effective September 24, 2001, for a maximum of 150 days.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

## Section 1030. APPENDIX A Questions Asked of a Driver's License Applicant

The following questions shall appear on an application for a driver's license: If you are applying for an Identification Card, review questions 1 and 2; for a Driver's License, review questions 1 through 7; for a Commercial Driver's License, review questions 1 through 10.

- 1) Is your driver's license or identification card or privilege to obtain a license or ID card suspended, revoked, canceled or refused in any state under this or any other name? (If yes, a Letter of Clearance is required.)
- 2) Do you presently hold a valid driver's license or identification card in this or any other state?
- 3) Is your driver's license being held by a court in lieu of bail?
- 4) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court order and/or physician's statement will be required.)
- 5) Do you have any condition that which might cause a temporary loss of consciousness? (If yes, a physician's statement and medical agreement are required.)
- 6) Do you have any mental or physical condition that which might interfere with safe driving? (If yes, a physician's statement is required and a medical agreement may be required.)
- 7) Do you use any drugs, including prescription medication, or alcohol to an extent that they impair your driving ability? (If yes, a physician's statement is required and a medical agreement may be required.)
- 8) Are your Commercial Driver's License privileges currently disqualified?
- 9) Do you certify that you meet the "general qualifications of drivers outlined in 49 CFR 391.11 (2000)? If no, indicate why you are not subject to these qualifications.

- 9) During the two-year period prior to this date have you:
  - a) had in your possession more than one driver's license?
  - b) had a license which has been suspended, revoked, or canceled?
  - c) been convicted of an offense which shall disqualify you from obtaining a Commercial Driver's License?
  - d) had a traffic violation arising in connection with an accident or had an accident which was your fault?
- 10) Do you certify that you meet the hearing requirements outlined in 49 CFR 391.41(b)(11) (2000)?
- 10) Do you certify:
  - a) you are regularly employed in a job requiring operation of a Commercial Motor Vehicle?
  - b) you have previously taken and passed a skills test, in a

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

properly classified vehicle given by a State with a classified licensing and testing system or for at least the past two years have you operated a vehicle representative of the class vehicle for which you are applying for a license?

- 11) Do you certify:
  - a) you meet the "Qualifications of Drivers" portion of Part 391 of the Federal Motor Carrier Safety Regulations as prescribed in Section 10b-100 of the Motor Carrier Safety Regulations of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 10b-100)? or,
  - b) you are not subject to these qualifications because

I understand that my social security number will be disclosed to other states pursuant to the Commercial Motor Vehicle Safety Act of 1986 (49 USC 5-S-E 2706).

(Source: Amended at 25 Ill. Reg. 12646, effective SEP 24 2001)



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

## Section 1030.APPENDIX B Acceptable Identification Documents

- a) An applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B, C, and D as outlined in subsection (d) of this Section.
- b) An applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A, and at least one form from either Group B, C, or D as outlined in subsection (d) of this Section. An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.
- c) Applicants renewing their current Illinois driver's license or identification card need only present their current valid license or ID card. If they do not have their current driver's license or ID card, they must present one form of identification from Group A and at least one form from one of Group B, C, or D as outlined in subsection (d) of this Section.
- d) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed below by group. Photocopies will not be accepted.

## 1) GROUP A (Written Signature)

Canceled Check (w/in 90 days)  
 CTPP Certification Form  
 Court Order  
 Credit Card - Major Brand  
 Driver Education Certificate (Blue Slip)  
 Government Driver's License  
 Government Identification Card  
 Illinois Driver's License - "current"  
 Illinois Identification Card - "current"  
 Immigration and Naturalization Service (INS) forms:  
 I-551 (Alien Registration Card)  
 I-688 (Temporary Resident Card)  
 I-688A (Employment Authorization Card)  
 I-688B (Employment Authorization Card)  
 I-766 (Employment Authorization Card)  
 I-94 (Arrival/Departure Record) with Valid Passport  
 Medicare Card - with suffix A, J, H, M, or T  
 Military Driver's License - US  
 Military Identification Card - US  
 Military Service Record - DD214  
 Mortgage or Installment Loan Documents  
 Out-of-State Driver's License/ID Card - "current"  
 Passport - Valid US or Foreign

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

## Social Security Card

## 2) GROUP B (Proof of Date of Birth)

Adoption Records  
 Birth Certificate  
 Court Order - Change of Birth Date  
 Official Grade/High School Transcript  
 Illinois Driver's License - "current"  
 Illinois Identification Card - "current"  
 Immigration and Naturalization Service (INS) forms:  
 I-551 (Alien Registration)  
 I-688 (Temporary Resident Card)  
 I-688A (Employment Authorization Card)  
 I-688B (Employment Authorization Card)  
 I-766 (Employment Authorization Card)  
 I-94 (Arrival/Departure Record) with Valid Passport  
 Military Driver's License - US  
 Military Identification Card - US  
 Military Service Record - DD214  
 Naturalization Certificate  
 Passport - Valid with Complete Date of Birth  
 Social Security Award Letter (Primary Beneficiary Only)

## 3) GROUP C (Social Security Number)

Illinois Driver's License Record  
 Illinois Identification Card Record  
 Military Driver's License - US  
 Military Identification Card - US  
 Military Service Record - DD214  
 Social Security Award Letter (Primary Beneficiary Only)  
 Social Security Card - issued by Social Security Administration

## 4) GROUP D (Residency/Personal Data)

Examples of residency may be, but are not limited to, the following:  
 Utility Bill  
 Vehicle Registration Card  
 Voter Registration Card

- e) Current forms of identification with an Illinois street address that do not appear on the list of unacceptable identification may also be used to verify residency. Any document listed in Group A, B, or C as outlined in subsection (d) of this Section, and other forms of identification not listed as unacceptable may be used to verify

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

personal data.

f) For a name change, the identification must be a document that provides a link to the established DL/ID file.

g) Group B documents, as outlined in subsection (d) of this Section, must contain the applicant's full name and date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories, or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign birth certificates are accepted as "proof" if accompanied with any other item listed in Group B.

h) After review of all identification presented, management has the right to accept or refuse any document.

i) Unacceptable identification documents are:

Bond Receipt or Bond Card

Business Cards

Check Cashing Cards

Club or Fraternal Membership Cards

College or University Identification Cards

Commercially produced (non-State or unofficial) ID cards

Firearms Owner ID

Fishing License

Handwritten ID or Employment Cards

Hunting License

IDPA (Public Aid) Cards

Instruction Permit/Receipts

Insurance and/or Bail Bond Cards

Library Card

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Verification by family members other than father, mother or legal guardian

Verification by non-family members other than high school driver

education instructor or Secretary of State personnel

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

Documents of identification which are acceptable for the purpose of obtaining a driver's license, permit and/or identification card may include but are not limited to the following:

1) Adoption Records (Official)

2) Bank Statement (within 90 days)

3) Baptismal Record

4) Birth Certificate (Certified Copy)

5) Cancelled check (within 90 days)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

6) Cooperative Driver Training Program (EDWP)-Certification Form

7) Checking account

8) City Directory Verification

9) Court Order for Name Change

10) Court Order for Change of Date of Birth

11) Credit Card (only if must be valid and signed)

12) Divorce Decree

13) Driver Education Certificate (Blue Slip)

14) Employment I.D.

15) Government Driver's License (Valid)

16) Government Employment Photo I.D. (Valid)

17) Grade School Transcript

18) High School Transcript

19) High School Yearbook (with photo)

20) Illinois Driver's License Receipt (valid with signature)

21) Illinois Driver's License/I.D. Renewal Notice

22) Illinois Driver's License/I.D. with photo (expired less than (1)-year)

23) Illinois Instruction Permit (valid signature)

24) Income Tax Refund Check

25) Immigration and Naturalization Service (INS) Forms I-151, I-551, I-680, I-680A (proof of date of birth only)

26) INS Form I-94 (proof of date of birth only)

27) Insurance Policy (active)

28) Lease Agreement (current)

29) Marriage License

30) Medicare Cards (with A, J, K, L, M, or P suffixes only)

31) Military Driver's License (US) (valid--must--be on active duty or within 45 days thereof)

32) Military Driver's License (US) (valid--Reserve or National Guard)

33) Military I.D. Card (valid-US)

34) Military I.D. Card (valid--US Reserve or National Guard)

35) Military Service Record (US) (Certified Copy or Original--DD-214--or Equivalent)

36) Mortgage or Personal Loan Documents (not application)

37) Naturalization Certificate (official court document or certificate)

38) Out of State Driver's License or I.D. (valid or less than (1)-year expired)

39) Passport (valid U.S. or Foreign)

40) Payroll check stub (within 30 days)

41) Personal Identification

--- by parent or legal guardian (must provide acceptable I.D.)

--- by high school driver education instructor (must provide acceptable I.D.--Illinois Driver's License)

--- by facility personnel (employee signature entered in the I.D. area)

42) Police Report of lost or stolen driver's license or I.D.

43) Vehicle Registration (current)

44) Rent Receipt (within 60 days)



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 45) Savings-Account-Passbook  
46) School-I.D.  
47) Selective-Service-Card  
48) Social-Security-Administration-Award-better-"Numident"-Printout  
49) Social-Security-Card  
50) Tax-Return-Forms-(with-W-2-Form)  
51) Vehicle-Title  
52) Union-Card-(current)  
53) Utility-Bill-(within-60-days)  
54) Voter's-Certificate-of-Registration-Card

Note:--Driver-Services-facility-personnel-will--make--the--final--decision--on whether--identification--is--acceptable--(i.e.,--whether--the--tendered identification--can-be-read-by-Driver-Services-personnel--evidence--signs--of alteration--omits--elements--(signature))--Additional--documents--not-listed here--may-be-acceptable-upon-review-by-facility-personnel--Facility--personnel also--have-the-right-to-require-additional-proof-of-identity--Applicants-should be--aware--they--must--have--adequate--identification--to--establish--the following--name--date--of-birth--signature--for-comparison--Illinois-residency and-Social-Security-Number.

(Source: Amended at 25 Ill. Reg. 12646, effective SEP 24 2001)

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses  
2) Code Citation: 92 Ill. Adm. Code 1030  
3) Section Number: Emergency Action:  
1030.89 Amendment  
4) Statutory Authority: Sections 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-105(b)] and Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I].  
5) Effective Date of Emergency Amendment: September 24, 2001  
6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This Emergency Amendment will not expire before the end of the 150-day period.  
7) Date filed in Agency's Principal Office: September 24, 2001  
8) A copy of the Emergency Amendment, including any material incorporated by reference is on file in the Department's principal office and is available for public inspection.  
9) Reason for Emergency: The Office of the Secretary of State is adopting new policies to increase security measures for fighting and preventing attempts by individuals to obtain temporary driver's licenses and instruction permits for the purpose of committing fraud.  
10) A Complete Description of the Subject and Issues Involved: This proposed rulemaking requires applicants for a temporary driver's license or instruction permit to have the same identification documents as they would need if obtaining an Illinois driver's license.  
11) Are there any proposed amendments to this Part pending: Yes  

Section Number	Action	Ill. Reg. Citation
1030.APP.A.	Amendment	25 Ill. Reg. 7547 (June 22, 2001)
1030.APP.B.	Amendment	25 Ill. Reg. 7547 (June 22, 2001)

  
12) Statement of Statewide Policy Objectives: This emergency amendment will not require any new expenditures by units of local government.  
13) Information and questions regarding this Emergency Amendment shall be directed to:

Robert W. Mueller

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

Assistant General Counsel  
Driver Services Department  
2701 S. Dirksen Parkway  
Springfield, IL 62723

The full text of the Emergency Amendment begins on the next page.

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1030

## ISSUANCE OF LICENSES

Section	What Persons Shall Not be Licensed or Granted Permits
1030.10	Procedure for Obtaining a Driver's License
1030.11	Denial of License or Permit
1030.13	Cite for Re-examination
1030.15	Physical and Mental Evaluation
1030.16	Errors in Issuance of Driver's License/Cancellation
1030.17	Medical Criteria Affecting Driver Performance
1030.18	Classification of Drivers-References
1030.20	Classification Standards
1030.30	Fifth Wheel Equipped Trucks
1030.40	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.50	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.55	Third-Party Certification Program
1030.60	Religious Exemption for Social Security Numbers
1030.63	Instruction Permits
1030.65	Driver's License Testing/Vision Screening
1030.70	Driver's License Testing/Vision Screening with Vision Aid
1030.75	Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts - Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
<u>EMERGENCY</u>	
1030.90	Requirement For Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses
1030.96	Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98	School Bus Commercial Driver's License
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License



## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

1030.130 Grounds for Cancellation of a Probationary License

APPENDIX A Questions Asked of a Driver's License Applicant  
APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12658, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days.

**Section 1030.89 Temporary Licenses****EMERGENCY**

a) For purposes of this Section, the following definitions shall apply:

"Applicant" - person applying for a driver's license or an instruction permit ~~7-temporary-driver's-license-and/or-temporary instruction-permit:~~

"Driver Services Service's Facility Representative" - Secretary of State employee at a Driver Services Facility.

"Temporary Driver's License or Instruction Permit" - driver's license or instruction permit issued for no longer than ~~ninety-~~ 90 days to a person who is temporarily unable to obtain a license or instruction permit.

b) The Secretary of State shall issue a temporary driver's license or instruction permit to an applicant who is not otherwise ineligible for a driver's license or instruction permit, if the Driver Services Facility Representative is unable to produce a driver's license or instruction permit due to an equipment failure or the facility lacks the equipment needed to produce a driver's license or instruction permit, or if a required drive examination at the time of renewal cannot be completed due to adverse road conditions ~~that~~ which would make administration of the examination more difficult or unsafe, as determined by the Facility Manager. A temporary driver's license is also issued by a Driver Services Facility Representative if a person does not desire his/her photo to be taken at the time he/she is obtaining or renewing his/her license due to facial disfigurement, or a person is waiting for a non-photo driver's license to be processed. ~~A-temporary-driver's-license--or--instruction--permit--shall--also--be issued--by--a-Driver-Services-Facility-Representative-to-applicants-who~~

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

are not otherwise ineligible but need additional time to prove not more than two of the following identification requirements: name, residence, date of birth, social security number, and signature as described in Section 6-106 of the Illinois Driver Licensing Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 6-106). Such temporary driver's license or instruction permit shall be valid until such requirements are met and a valid driver's license or instruction permit has been issued, but in no event shall exceed ninety (90) days. A temporary driver's license shall not be extended. Only two temporary driver's licenses may be issued to an applicant within any renewal period.

cd) A temporary driver's license or instruction permit shall also be issued to applicants who are not otherwise ineligible for a driver's license or instruction permit, if the Secretary of State is processing an application for a special religious number as described in Section 1030.63 of this Part, or completing an investigation into the applicant's eligibility to receive such license or permit pursuant to Section 6-105(c) of the Illinois Driver Licensing Act of the Illinois Vehicle Code [625 ILCS 5/6-105(c)] (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 6-105(c)).

de) Persons who apply to the Driver Services Department of the Secretary of State's Office, 2701 S. Dirksen Parkway in Springfield, Illinois, 62723, and are not otherwise ineligible for a driver's license or instruction permit, shall be issued a temporary driver's license or instruction permit under the following circumstances, provided they are not ineligible to be licensed as drivers or granted permits under the provisions of Section 6-103 of the Illinois Driver Licensing Act of the Illinois Vehicle Code [625 ILCS 5/6-103] (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 6-103) and upon the receipt by the Department of an application as required by Section 6-106 of the Illinois Driver Licensing Act of the Illinois Vehicle Code [625 ILCS 5/6-106] (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 6-106) and fee as required by Section 6-118 of the Illinois Driver Licensing Act of the Illinois Vehicle Code [625 ILCS 5/6-118] (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 6-118):

- 1) the applicant loses his/her valid driver's license while out-of-state, or
- 2) the applicant is temporarily out-of-state and unable to return to Illinois to renew the driver's license, or
- 3) the applicant has surrendered his/her valid Illinois driver's license in compliance with a terminated suspension notice and he/she has a revocation or second or subsequent suspension pending, or
- 4) the applicant has a pending suspension or revocation of driving privileges which will be effective in 60 days or less and wishes to renew his/her privileges prior to the effective date of the suspension or revocation.

The applicant shall be issued a temporary driver's license or

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

instruction permit that which is valid for up to ninety (90) days. No extension past the expiration date shall be allowed. If the applicant has not returned to Illinois by the date of expiration of the temporary driver's license, arrangements must be made for him/her to take the necessary test or tests at an out-of-state facility.

e) All applicants who receive a temporary driver's license or instruction permit in lieu of a driver's license or instruction permit must show proof of name, a valid social security number, zip code, date of birth, sex and residence address as described in Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106]. The applicant shall affirm that all information set forth is true and correct and bears the applicant's signature.

f) Temporary driver's licenses or instruction permits shall be issued for a period of time not to exceed ninety (90) days and shall be valid only when in possession of the driver.

g) A temporary driver's license or instruction permit shall be invalid after the person receives his/her driver's license, has been refused a driver's license or has had his/her driving privileges suspended, revoked or cancelled.

h) A temporary driver's license or instruction permit shall not be valid for identification purposes and shall so state on the license or permit itself.

i) The temporary driver's license or instruction permit shall be issued only for the time period that the temporary license or instruction permit is actually needed, but shall not be issued for more than 90 days.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. effective September 24, 2001, for a maximum of 150 days)

12658



## ILLINOIS COMMERCE COMMISSION

## REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Non-Discrimination in Affiliate Transactions for Gas Utilities
- 2) Code Citation: 83 Ill. Adm. Code 550
- 3) Section Numbers: 550.20
- 4) Date Proposal published in Illinois Register: September 22, 2000, 24 Ill. Reg. 14114
- 5) Date Adoption published in Illinois Register: October 5, 2001, 25 Ill. Reg. 12603
- 6) Summary and Purpose of Expedited Correction: The expedited correction will correct a minor error in the text concerning the component of bundled services. When ICC made its First Notice Changes in the rulemaking, it inadvertently deleted the word "services" in Section 550.20(f), instead of the word "transportation". This change was intended to be the same as a change in Section 550.40 that deleted "transportation" from the phrase "transportation services". This correction will result in the affected subsection accurately reflecting the Commission's intent and will create consistency throughout the rule.
- 7) Information and questions regarding this request shall be directed to:

Conrad Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701  
(217)785-3922  
Fax: (217)524-8928

## ILLINOIS COMMERCE COMMISSION

## REQUEST FOR EXPEDITED CORRECTION

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER d: GAS UTILITIES

## PART 550

## NON-DISCRIMINATION IN AFFILIATE TRANSACTIONS FOR GAS UTILITIES

Section	
550.10	Definitions
550.20	Non-Discrimination
550.30	Marketing and Advertising
550.40	Tying
550.50	Release, Assignment, Transfer, and Brokering of Interstate Natural Gas Pipeline and Storage Services
550.60	Nondiscriminatory Provision of Information to Unaffiliated Entities
550.70	Customer Information
550.80	Exception for Corporate Support Information
550.85	Indirect Information Sharing
550.90	Confidentiality of ARGS Information
550.100	Independent Functioning
550.110	Employees
550.120	Transfer of Goods and Services
550.130	List of Affiliated Interests
550.140	Maintenance of Books and Records and Commission Access
550.150	Internal Audits
550.160	Complaint Procedures

**AUTHORITY:** Implementing Section 9-241 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-241 and 10-101].

**SOURCE:** Adopted at 24 Ill. Reg. 12665, effective September 21, 2001; expedited correction at 25 Ill. Reg. 12665, effective September 21, 2001.

## Section 550.20 Non-Discrimination

- a) Gas utilities shall not provide affiliated interests or customers of affiliated interests preferential treatment or advantages relative to unaffiliated entities or their customers in connection with services provided under tariffs on file with the Illinois Commerce Commission (Commission), including contracts filed under tariffs filed pursuant to Section 9-102.1 of the Act [220 ILCS 5/9-102.1]. This provision applies broadly to all aspects of service, including, but not limited to, responsiveness to requests for service, the availability of firm versus interruptible services, the imposition of special metering requirements, and all terms and conditions and charges specified in the tariff.
- b) Except for corporate support transactions, transactions between a gas

## ILLINOIS COMMERCE COMMISSION

## REQUEST FOR EXPEDITED CORRECTION

utility and one or more of its affiliated interests in competition with ARGS that are not governed by tariff sheets on file with the Commission shall not discriminate in relation to unaffiliated ARGS.

- c) Gas utilities and affiliated interests shall not notify potential or actual customers, either directly or indirectly, advertise to the public, or otherwise communicate that the gas utility provides any advantages relating to the scheduling, transportation or distribution of gas to affiliated interests or their customers relative to unaffiliated entities and their customers.

- d) A utility shall process requests for similar services provided by the utility in the same manner and within the same time period for its affiliated interests or their customers as for unaffiliated entities.

- e) If discretion is permitted in application of a tariff provision, gas utilities shall maintain a log detailing each instance in which it exercised discretion, as required in Section 550.140(c).

- f) If a gas utility offers affiliated interests or customers of affiliated interests a discount, rebate, fee waiver or waivers of its ordinary terms and conditions for services provided under tariffs on file with the Commission, it shall contemporaneously offer the same discount, rebate, fee waiver or waivers of its ordinary terms and conditions to all unaffiliated entities and customers of unaffiliated entities, to the extent consistent with the tariffs. Gas utilities shall maintain a log of these instances, as required in Section 550.140(c).

- g) When providing services **transportation** as a component of any bundled service, a gas utility shall not offer affiliated interests or the customers of affiliated interests a discount, rebate, fee waiver or waivers unless the gas utility contemporaneously offers the same discount, rebate, fee waiver or waivers to all unaffiliated entities and customers of unaffiliated entities.

(Source: Expedited correction at 25 Ill. Reg. 12665 effective September 21, 2001)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services

- 2) Code Citation: 89 Ill. Adm. Code 148

- |                           |                         |
|---------------------------|-------------------------|
| 3) <u>Section Numbers</u> | <u>Proposed Action:</u> |
| 148.410                   | New Section             |
| 148.420                   | New Section             |

- 4) Date Notice of Proposed Amendments Published in the Illinois Register:  
August 3, 2001 (25 Ill Reg. 9827)

- 5) Reason for the Withdrawal: The Department recently proposed amendments to 89 Ill. Adm. Code 148 concerning the Sexual Assault Survivors Emergency Treatment Program. However, following publication of the amendments, it has become clear that the addition of Subparts to Part 148 will be necessary to logically accommodate the new Program and several others that will also be proposed to Part 148. Therefore, the amendments at 25 Ill. Reg. 9827 are being withdrawn and will be repropose along with the necessary modifications to Part 148. The text of the repropose amendments concerning the Sexual Assault Survivors Emergency Treatment Program will be identical to the amendments published on August 3, 2001, except for several nonsubstantive editorial changes of the Joint Committee on Administrative Rules.



## ILLINOIS FARM DEVELOPMENT AUTHORITY

## JULY 2001 REGULATORY AGENDA

- a) Part(s) (Heading) and Code Citation: Illinois Farm Development Authority,  
8 Ill. Adm. Code 1400, Section 1400.146

1) Rulemaking:

- A) Description: Policy changes are being made that affect Section  
1400.146.

- B) Statutory Authority: 20 ILCS 3605/7

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: December 1, 2001

- E) Affect on small businesses, small municipalities or not for profit  
corporations: The changes make the guarantee programs more easily  
available to eligible borrowers.

- F) Agency contact person for information:

Laura A. Lanterman  
Chief Financial Officer  
Illinois Farm Development Authority  
427 East Monroe Street, Suite 201  
Springfield, Illinois 62701  
217-782-5792

- G) Related rulemakings and other pertinent information: None

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER  
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,000.00 dollars against American Equity Mortgage, License No. 4351 of St. Louis, Missouri, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 21, 2001.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,500.00 dollars against American Mortgage Corp., License No. 4609 of St. Louis, Missouri a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 13, 2001.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,000.00 dollars against Skyline Funding, Inc., License No. 6013 of Chicago, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 10, 2001.



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,000 dollars against C. S. Financial Group, Inc., License No. 4677 of Chicago, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 10, 2001.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,000 dollars against Allegiance Mortgage Corp., License No. 5570, of Hillside, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 2, 2001.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER  
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,000 dollars against Century Mortgage Corp., License No. 5535, of Chicago, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 12, 2001.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER  
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,100 dollars against Fair Home Mortgage Co., Inc., License No. 4698, of Chicago, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 9, 2001.



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER  
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,500 dollars against First United Lending, Inc., License No. 5468 of Dyer, Indiana a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 12, 2001.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER  
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$4,000 dollars against Lakeside Mortgage and Loan Corp., License No. 4756, of Chicago, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 4, 2001.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF FINE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$4,500 dollars against Eagle Bank and Trust Co., License No. 5720, of Festus, MO a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 9, 2001.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF REVOCATION UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of AA Money Source, Inc., License No. 4932, of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 25, 2001.



OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF REVOCATION UNDER  
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of Elite Funding International, Ltd., License No. 5436, of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 24, 2001.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF REVOCATION UNDER  
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of Homeowner.com Inc., License No. 5625, of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 25, 2001.